

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

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will be filmed.***



please ask for Leslie Manning
direct line 0300 300 5132
date 12 September 2017

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 13 September 2017 10.00 a.m.

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

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

Cllrs K C Matthews (Chairman), R D Berry (Vice-Chairman), M C Blair, Mrs S Clark, K M Collins, I Dalgarno, F Firth, E Ghent, C C Gomm, K Janes, T Nicols, T Swain and J N Young

[Named Substitutes:

Cllrs D Bowater, A D Brown, Mrs C F Chapman MBE, Cllr S Dixon, Ms C Maudlin, A Ryan and B J Spurr]

All other Members of the Council - on request

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

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

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AGENDA

Welcome

1. **Apologies for Absence**

To receive apologies for absence and notification of substitute Members.

2. **Chairman's Announcements**

To receive any announcements from the Chairman and any matters of communication.

3. **Minutes**

To approve as a correct record the minutes of the meeting of the Development Management Committee held on 16 August 2017 (copy to follow).

4. **Members' Interests**

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

Report

| Item | Subject | Page Nos. |
|------|--|-----------|
| 5. | Planning Enforcement Cases Where Formal Action Has Been Taken | 9 - 14 |

To consider the report of the Director of Regeneration and Business which provides a monthly update of planning enforcement cases where action has been taken.

Planning and Related Applications

Prior to considering the planning applications contained in the following schedules Members will have received and noted any additional information relating to the applications as detailed in the Late Sheet for this meeting.

| Item | Subject | Page Nos. |
|------|---|--------------|
| 6. | <p>Planning Application No. CB/16/01389/FULL</p> <p>Address: Land off A5 at Checkley Wood Farm, Watling Street, Hockliffe, Leighton Buzzard, LU7 9LG</p> <p>Installation of a single wind turbine with a maximum tip height of 143.5m (hub height 100m; rotor diameter of 87.0m), substation, hardstanding area, access track, underground cabling and associated infrastructure.</p> <p>Applicant: Checkley Wood Energy Ltd</p> | 15 - 256 |
| 7. | <p>Planning Application No. CB/17/01236/OUT</p> <p>Address: Land at Sorrell Way, Biggleswade (nearest postcode SG18 8BW)</p> <p>Outline application: Erection of building(s) to provide extra care accommodation comprising up to 93 units with associated access, landscaping and ancillary works. All matters reserved except for access.</p> <p>Applicant: CBC Assets</p> | 257 - 272 |
| 8. | <p>Planning Application No. CB/17/01277/OUT</p> <p>Address: Land at Saxon Drive, Biggleswade (nearest postcode SG18 8SU)</p> <p>Outline Application: Erection of up to 230 residential dwellings with associated access, landscaping, open space and ancillary works. All matters reserved except means of access from Saxon Drive.</p> <p>Applicant: CBC Assets</p> | 273 - 296 |

9. **Planning Application No. CB/17/02682/REG3** 297 - 324
- Address:** Kennell Farm, Saxon Drive, Biggleswade, SG18 8UT
- Change of use of agricultural land to a Travelling Showpeople Site to create 4 plots, each plot accommodating the following: - 2 x mobile homes/chalets; - 4 x caravans; - 1 x workshop; - 4-6 trailer parking spaces; - 4 x car parking spaces.
- Applicant:** CBC Assets
10. **Planning Application No. CB/15/01657/OUT** 325 - 366
- Address:** Samuel Whitbread Community College, Shefford Road, Clifton, Shefford, SG17 5QS
- Outline Application: Enhancement of sporting facilities including new '4G' floodlit pitch, tennis courts, improved grass pitches and new changing rooms. Construction of up to 64 new homes on land south west of the main school buildings and new access from Hitchin Road.
- Applicant:** Bedfordshire East Schools Trust
11. **Planning Application No. CB/17/00358/RM** 367 - 396
- Address:** Land east of Hitchin Road & south of the former Pig Testing Unit, Hitchin Road, Stotfold (nearest postcode SG5 4JH)
- Reserved Matters: Erection of 180 dwellings with landscaping, open space and associated works pursuant to outline planning permission reference CB/16/01455/OUT dated 30th June 2016.
- Applicant:** Lochailort Fairfield Ltd
12. **Planning Application No. CB/17/02023/OUT** 397 - 410
- Address:** Land adj. to Haynes Turn, south of High Road, Haynes (nearest postcode MK45 3PA)
- Outline Application: With all matters reserved for the erection of five detached dwellings.
- Applicant:** LSF Properties

- | | | |
|-----|--|--------------|
| 13. | <p>Planning Application No. CB/17/03294/FULL</p> <p>Address: Henlow Middle School, Church Road, Henlow, SG16 6AN</p> <p>Removal of existing two classroom modular unit. Construction of free standing four-court sports hall with changing facilities and attached two-storey six classroom block. Construction of additional car parking.</p> <p>Applicant: Henlow Church of England Academy</p> | 411 - 438 |
| 14. | <p>Planning Application No. CB/17/02361/FULL</p> <p>Address: Henlow Bridge Lakes Ltd, Bridge End Road, Henlow, SG16 6LN</p> <p>Change of use - for the proposed Teen Building (CB/16/01005/FULL Approval granted 28/4/16 and subsequent relocation CB/17/00188/VOC Approved 9/3/17) to a private Day Nursery and associated Children's Activity Centre.</p> <p>Applicant: Henlow Bridge Lakes Ltd</p> | 439 - 450 |
| 15. | <p>Planning Application No. CB/17/03030/FULL</p> <p>Address: 6 The Old Dairy, Speedsdairy Farm Road, Beadlow, Shefford, SG17 5PL</p> <p>Conversion of existing outbuilding to annexe.</p> <p>Applicant: Mr J Lines</p> | 451 - 460 |
| 16. | <p>Planning Application No. CB/17/02780/FULL</p> <p>Address: Ickwell Fields, Ickwell Road, Upper Caldecote, Biggleswade, SG18 9BS</p> <p>Proposed Menage.</p> <p>Applicant: Mr & Mrs Ben Maudlin</p> | 461 – 468 |
| 17. | <p>Late Sheet</p> <p>To receive and note, prior to considering the planning applications contained in the schedules above, any additional information detailed in the Late Sheet to be circulated on 12 September 2017.</p> | 469- 514 |

18. **Site Inspection Appointment(s)**

Under the provisions of the Members' Planning Code of Good Practice, Members are requested to note that the next Development Management Committee will be held on **11 October 2017** and the Site Inspections will be undertaken on **9 October 2017**.

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Meeting: Development Management Committee
Date: 13th September 2017
Subject: Planning Enforcement cases where formal action has been taken
Report of: Director of Regeneration and Business
Summary: The report provides a monthly update of planning enforcement cases where formal action has been taken.

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

CORPORATE IMPLICATIONS

Council Priorities:

This is a report for noting ongoing planning enforcement action.

Financial:

1. None

Legal:

2. None.

Risk Management:

3. None

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. None

Public Health

6. None

Community Safety:

7. Not Applicable.

Sustainability:

8. Not Applicable.

Procurement:

9. Not applicable.

RECOMMENDATION(S):

The Committee is asked to:

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

Background

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

Appendices:

Appendix A – Planning Enforcement Formal Action Spreadsheet

Planning Enforcement formal action (DM Committee 13th September 2017)

| | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|---|----------------------|---|--|-------------|----------------|------------------------|--------|---------------------|--------------|--|
| 1 | CB/ENC/11/0402 | Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP | 2 Enforcement Notices 1 - Unauthorised encroachment onto field 2 - Unauthorised hard standing, fence and buildings | 15-Oct-12 | 12-Nov-12 | 10-Dec-12 | | | Not complied | Consultation on further action. |
| 2 | CB/ENC/12/0199 | Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP | Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants | 15-Oct-12 | 15-Oct-12 | 12-Nov-12 | | | Not complied | Consultation on further action |
| 3 | CB/ENC/12/0508 | Land at Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH | Enforcement Notice- Unauthorised creation of new access and erection of gates. | 17-Nov-14 | 15-Dec-14 | 15-Mar-15 & 15-June-15 | | | Not complied | Legal advice being sought as to next steps. |
| 4 | CB/ENC/12/0521 | Random, Private Road, Barton Le Clay, MK45 4LE | Enforcement Notice 2 - Without planning permission the extension and alteration of the existing dwelling on the land. | 24-Aug-15 | 24-Sep-15 | 24-Mar-16 & 24-June-16 | | 04-Apr-17 | Not complied | Revised scheme for flat roof modifications to the dwelling approved CB/17/02434/FULL. Enforcement Notice still in effect and compliance period has expired. Property owner has confirmed that approved 2017 scheme is to be carried out and that the 2016 approved scheme(the subject of the condition appeal) is not to be progressed. The demolition of the pitched roofs to ensure the retained structure accords with the 2017 approved scheme will also be in line with enforcement notice requirements. Work has commenced on site to implement planning permission CB/17/02434/FULL and development will be monitored. |
| 5 | CB/ENC/12/0633 | Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP | Enforcement Notice - construction of timber building and the laying of hard standing. | 17-Jan-13 | 14-Feb-13 | 14-Mar-13 | | | Not complied | Consultation on further action |

Planning Enforcement formal action (DM Committee 13th September 2017)

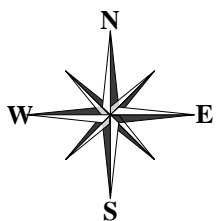
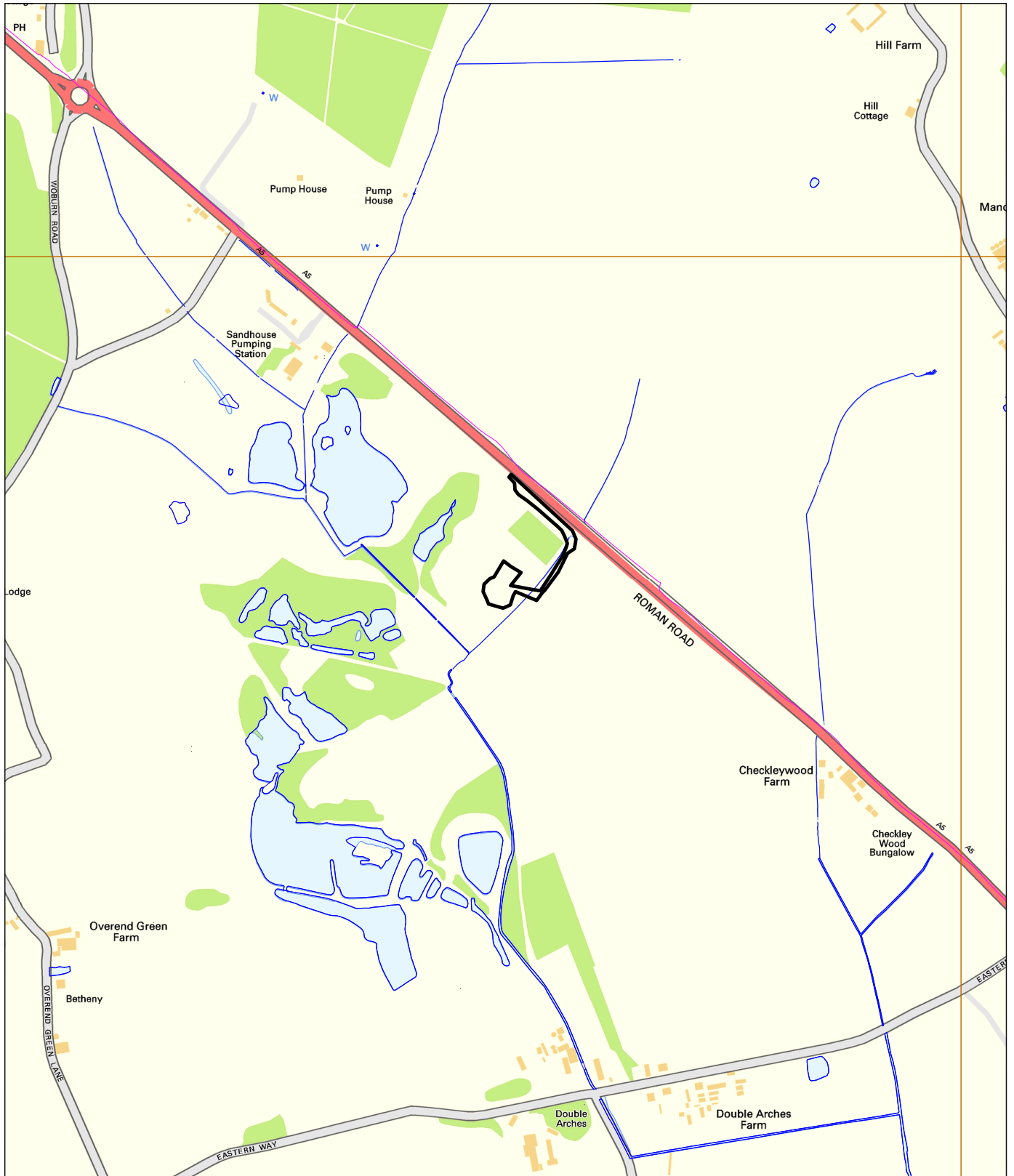
| | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|----|----------------------|--|---|----------------------------|----------------------------|---|---|--------------------------------|----------------------|---|
| 6 | CB/ENC/13/0336 | The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX | 2 Enforcement Notices - 1. Change of use from agriculture to a mixed use of agriculture, residential and retail sales and 2. building works for commercial purposes | 11-Jul-14 | 15-Aug-14 | 15-Oct-14 | Appeal dismissed. | 02-May-17 | Part complied | Residential use ceased but internal fittings associated with residential use require to be removed. Prosecution report up-dated. |
| 7 | CB/ENC/14/0485 | Clifton House and outbuildings, Church Street, Clifton, Shefford, SG17 5ET | Repairs Notice - Listed Building in state of disrepair | 08-Jan-15 | 08-Jan-15 | 08-Mar-15 | | 08/04/2015 | Not complied | Visited the property to assess any further damage and will update once options discussed. |
| 8 | CB/ENC/15/0140 | Springbank, Bottom Drive, Eaton Bray, LU6 2JS | Enforcement Notice - Unauthorised wall | 09-Nov-15 | 08-Dec-15 | 08-Feb-16 | Appeal decision - Enforcement Notice upheld | 27/09/2016 | Not complied | Awaiting date for court case. |
| 9 | CB/ENC/15/0260 | Gravenhurst Lane/A6, Silsoe | Section 215 notice - untidy land and buildings Enforcement Notice - material change of use to a caravan site with the stationing of two static mobile homes | 06-May-16 07-Apr-17 | 08-Jun-16 08-May-17 | 08-Jul-16 08-Jul-17 08-Aug-17 | Appeal received 26/04/17 | | Part complied | Part compliance with the Section 215 Notice. Tyres and scrap removed. Appeal has now been lodged with the Planning Inspectorate. |
| 10 | CB/ENC/15/0423 | Land at, Astwick Road, Stotfold | Injunction served 22nd September 2015, continuation injunction served 5th October 2015 for unauthorised development for Gypsy and Traveller site. Enforcement Notice served 11/12/15 | 11-Dec-15 | 11-Jan-15 | 11-Jul-16 11-Oct-16 | Appeal dismissed | 02-Mar-17 02-Jun-17 | Not complied | Continuation of Injunction granted 5/10/15 to prevent further unlawful development. Planning application refused. Injunction remains in place to prevent further development. Enforcement Notice remains in effect. Mobile home has been removed, 1 touring caravan remains on site. Owner's application for permission to bring a judicial review claim in respect of the Council's refusal to consider the latest planning application rejected, but further Hearing in September. |
| 11 | CB/ENC/15/0466 | Land at 13 Icknield Street, Dunstable, LU6 3AD | Enforcement Notice - the installation of a dormer | 30-Nov-16 | 28-Dec-16 | 28-Jun-17 | | | | Schedule of works agreed to resolve breach of planning control. Enforcement case to remain open until works complete. |

Planning Enforcement formal action (DM Committee 13th September 2017)

| | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|----|----------------------|--|--|-------------|----------------|------------------------|--------------------------|---------------------|---------------|--|
| 12 | CB/ENC/15/0530 | 47 Hitchin Road, Stotfold, SG5 4HP | Section 215 Notice - untidy land | 31-Aug-16 | 30-Sep-16 | 30-Oct-16 | | | Not complied | Section 215 Notice not complied with. Lawful use certificate application submitted for parking of vehicles and use of rear garage for car repairs (CB/17/02115/LDCE) awaiting to be determined. Prosecution file with Legal to consider whether to take formal action. |
| 13 | CB/ENC/15/0542 | Land at Honeywicke Cottage, Honeywick Lane, Eaton Bray, Dunstable, LU6 2BJ | Enforcement Notice - Material change of use from agriculture to use for Class B8 storage as a scaffolding contractors yard and the laying of hardstanding. | 10-Feb-16 | 10-Mar-16 | 10-Sep-16 10-Oct-16 | Appeal dismissed | 19-Jan-17 | Not complied | Council challenge against Planning Appeal decision to allow the change of use has now been lodged. All action held in abeyance. |
| 14 | CB/ENC/16/0016 | Grooms Cottage, 5 West Hill, Aspley Guise, MK17 8DP | S215 Notice - Building in state of disrepair | 16-Nov-16 | 16-Dec-16 | 16-Mar-17 | | | Part complied | Works are still underway and the property has a much better appearance. Will update further once works are complete. |
| 15 | CB/ENC/16/0170 | Car Park, The Pack Horse Public House, Watling Street, Kensworth | Enforcement Notice - Material change of use of the land from car park to use for vehicle sales, storage, repairs and the siting of a touring caravan. | 20-Apr-17 | 18-May-17 | 18-Jul-17 | | | Not complied | Site meeting arranged with owner. |
| 16 | CB/ENC/16/0216 | Falcons Field, Lower Rads End, Eversholt, MK17 9EE | Enforcement Notice - Unauthorised construction of a tree house | 08-Mar-17 | 08-Apr-17 | 08-May-17 | Appeal received 28/03/17 | | | Awaiting start date for the appeal against the Enforcement Notice from The Planning Inspectorate. |
| 17 | CB/ENC/16/0328 | 52 The Ridgeway, Flitwick, MK45 1DJ | Section 215 - Untidy Land | 03-Oct-16 | 03-Nov-16 | 03-Dec-16 | | 02-Jul-17 | Not complied | New prosecution case to LGSS Law following non-compliance with S.215 Notice following a first successful prosecution as S215 Notice still not complied with. |
| 18 | CB/ENC/16/0331 | Rear of Grange Nurseries, The Green, Beeston, SG19 1PG | Enforcement Notice - Unauthorised change of use from agriculture to use for the parking and storage of military vehicles, trailers, containers, structures, associated paraphernalia and the installation of a septic tank | 03-Jul-17 | 03-Aug-17 | 03-Sep-17 | | | | Check compliance 03/09/17 |

Planning Enforcement formal action (DM Committee 13th September 2017)

| | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|----|----------------------|--|---|-------------|----------------|-----------------|--------------------------|---------------------|--------|---|
| 19 | CB/ENC/16/0534 | Lynmore House, Sharpenhoe Road, Sharpenhoe, MK45 4SU | Breach of Condition x2 | 22-Jun-17 | 22-Jun-17 | 22-Jul-17 | | | | Appeal received against planning application CB/17/00183/FULL and as this relates to what the Breach of Conditions Notices were served on, no further action is proposed until the outcome of the appeal. A start date has yet to be received from the Planning Inspectorate. |
| 20 | CB/ENC/16/0548 | 2 Hockliffe Road, Leighton Buzzard, LU7 3FN | Enforcement Notice - Unauthorised change of use, taxi business. | 12-Jan-17 | 12-Feb-17 | 12-Mar-17 | Appeal received 09/02/17 | | | Awaiting decision from Planning Inspectorate. |
| 21 | CB/ENC/16/0584 | 63 Katherine Drive, Dunstable, LU5 4NP | Enforcement Notice - Unauthorised change of use to gym | 30-Jun-17 | 28-Jul-17 | 28-Aug-17 | | | | Check compliance 28/08/17 |
| 22 | CB/ENC/17/0235 | New Spring Farm, London Road, Biggleswade, SG18 9SZ | Unauthorised Advertisement | | | | | | | File sent to legal to consider prosecution action with regards to the unauthorised advertisement. |
| 23 | CB/ENC/17/265 | Gravenhurst Lane/A6, Silsoe | Enforcement Notice - Change of use, barn to residential | 02-Aug-17 | 04-Sep-17 | 04-Oct-17 | | | | Check compliance 04/10/17 |
| 24 | CB/ENC/17/0266 | Gravenhurst Lane/A6, Silsoe | Enforcement Notice - Creation of Bund | 02-Aug-17 | 04-Sep-17 | 04-Oct-17 | | | | Check compliance 04/10/17 |



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Date: 30:June:2017

Grid Ref: 494163; 229413

Application No.
CB/16/01389/FULL

Scale: 1:10000

Land off A5 at Checkley Wood Farm, Watling Street,
Hockliffe, Leighton Buzzard, LU7 9LG

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| |
|-------------------|
| Item No. 6 |
|-------------------|

| | |
|--|--|
| APPLICATION NUMBER | CB/16/01389/FULL |
| LOCATION | Land off A5 at Checkley Wood Farm, Watling Street, Hockliffe, Leighton Buzzard, LU7 9LG |
| PROPOSAL | Installation of a single wind turbine with a maximum tip height of 143.5m (hub height 100m; rotor diameter of 87.0m), substation, hardstanding area, access track, underground cabling and associated infrastructure. |
| PARISH | Heath & Reach |
| WARD | Heath & Reach |
| WARD COUNCILLORS | Cllr Versallion |
| CASE OFFICER | Debbie Willcox |
| DATE REGISTERED | 05 May 2016 |
| EXPIRY DATE | 04 August 2016 |
| APPLICANT | Checkley Wood Energy Limited |
| AGENT | Engena Limited |
| REASON FOR COMMITTEE TO DETERMINE | Major application with Parish Council objections; and |

Called in by Cllr Versallion for the following reasons:

- **A loss of visual and landscape amenity;**
- **The proposal would be overdevelopment, combined with the existing largest turbine in the country;**
- **It would be overbearing with its height and dominance within the landscape;**
- **The impact on landscape would be very dominant and from many and far reaching views;**
- **There is high public interest in the application.**

RECOMMENDED DECISION

Full Application - Recommended for Approval

Summary of Recommendation:

The proposal would generate significant amounts of electricity, sufficient to power 1,118 homes and save 2,150 tonnes of carbon per annum. The proposal would therefore generate substantial environmental benefits contributing to local and national carbon reduction targets. The proposal would represent inappropriate development in the Green Belt and would harm openness and would also result in less than substantial harm to the setting of Listed Buildings and other heritage assets. Some harm would also be caused to landscape character, residential amenity and recreational amenity. As not all planning impacts have been fully

addressed, the proposal would conflict with the Written Ministerial Statement of 18th June 2015 and significant weight is attributed to this conflict. Other identified impacts would be acceptably mitigated through the use of recommended planning conditions. It is considered that the substantial benefits of the scheme would clearly outweigh the harm to the Green Belt and all other identified harm, including the conflict with the Written Ministerial Statement. As such, the proposal is considered to accord with Section 10 of the NPPF and the NPPF when read as a whole; National Policy Statements EN1 and EN3, Policy BE8 of the South Bedfordshire Local Plan Review and Guidance Note No. 1: Wind Energy Development in Central Bedfordshire.

Site Location:

The application site lies on agricultural land that has been restored having been quarried in the past. It is located within Churchways Quarry complex, which comprises part of a larger operational minerals extraction area. The site lies to the north-east of Heath and Reach and Leighton Linlade, on the A5, within the Parish of Heath and Reach. 410m to the south west is the existing Double Arches Wind Turbine. Access to the site is taken from the A5 on the existing access road to the Double Arches wind turbine.

The site has a ground level of approximately 120m AOD, which rises gently to the north and more significantly to the north east and to the west. Land to the east and south is generally on the same level. To the north east of the site is a small plantation of Scots Pine trees.

The quarry sits within a larger complex of sand quarries, which alongside Nine Acres and Double Arches Quarries, is identified as a County Wildlife Site (CWS) and includes a number of water bodies. These include settlement ponds, which vary in size and location as working patterns dictate, there are also larger lakes which are used by a local angling club.

Adjacent to the site is Double Arches Pit Site of Specific Scientific Interest (SSSI), which is designated as such for its geological importance. The King's and Baker's Wood and Heaths SSSI is located approximately 0.8km northwest of the proposed location, with part of the SSSI being designated as a National Nature Reserve. This SSSI/NNR is separated from the proposed turbine location by the remainder of the site, Woburn Road, Stone Lane Quarry and Churchways Quarry.

The settlements of Heath and Reach and Leighton Linlade are located to the south-west of the application site. Further beyond to the south-east is the conurbation of Luton, Dunstable and Houghton Regis. There are also a number of smaller settlements in the locality including Overend Green, Potsgrove and Battlesden, and further afield, Woburn, Milton Bryan, Hockliffe, Eggington, Tilsworth Stanbridge, Billington, Soulbury, Stoke Hammond, Toddington, Little Brickhill and Great Brickhill.

The site is washed over by the South Bedfordshire Green Belt.

The site was located within the blue line denoting land within the applicant's ownership on the location plan which accompanied the 2010 application for the Double Arches turbine. The site was not included within the red line (outlining the application site) for the 2008 scoping opinion for two turbines at Double Arches Quarry.

The Application:

This application seeks planning permission for the erection of a single wind turbine with a maximum tip height of 143.5m (hub height 100m and rotor diameter 87m) with associated infrastructure including a substation, hardstanding area, access track and underground cabling.

The wind turbine will be a Vensys VE87 model, which is the same model as the existing turbine at Double Arches.

The turbine would be mounted on a concrete pad. There would be a hardstanding area of 75m wide and 75m long to support the construction of the turbine. The existing access track from the A5 would be extended into the site to provide access, with an approximate width of 4.5m.

The substation would be located to the immediate south of the access track and would be a GRP unit with a height of 2.5m and a footprint of 5.1m by 3.1m to house the transformer, cable pit and switchgear.

A temporary construction compound of 20m by 15m would be provided during the construction phase on the proposed hardstanding. This would be removed once construction was complete.

The turbine would have a lifespan of 25 years, following which the site would be decommissioned by the operator, including the removal of all above ground elements to below plough depth and restoration to agricultural land, with the exception of the access track.

A screening opinion was sought by the applicant and it was determined that an Environment Impact Assessment was not necessary in this instance as it was considered that the proposed development would be of no more than local importance. The site is not in a particularly sensitive or vulnerable location and there are unlikely to be any unusually complex or potentially hazardous environmental effects.

The application has been accompanied by an overarching Environmental Report and separate Environmental Reports on the following issues:

- Traffic and transport

- Geology, soils and flood risk
- Hydrology;
- Ecology
- Noise
- Landscape and visual effects
- Archaeology and Cultural Heritage
- Shadow Flicker
- Electro-magnetic interference;
- Aviation
- Socio-economic effects

The proposal has been modified during the application process from a turbine with a maximum height of 149.8m, hub height of up to 100m and rotor diameter of up to 112.5m.

RELEVANT POLICIES:

National Planning Policy:

National Planning Policy Framework (NPPF) (March 2012)

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

Paragraph 14

Section 1: Building a strong, competitive economy

Section 3: Supporting a prosperous rural economy

Section 4: Promoting sustainable transport

Section 5: Supporting high quality communications infrastructure

Section 7: Requiring good design

Section 8: Promoting healthy communities

Section 9: Protecting Green Belt Land

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

Section 13: Facilitating the sustainable use of minerals

Overarching National Policy Statement for Energy (EN-1) (July 2011)

National Policy Statement for Renewable Energy Infrastructure (EN-3) (July 2011)

Written Ministerial Statement (18th June 2015)

Local Planning Policy:

South Bedfordshire Local Plan Review (2004)

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing

plans according to their degree of consistency with the framework. It is considered that the following policy is broadly consistent with the Framework and significant weight should be attached to it.

BE7: Conservation and Enhancement of Historic Parks and Gardens

BE8: Design Considerations

Core Strategy and Development Management Policies (November 2009)

CS15 Heritage

DM13 Heritage in Development

Minerals and Waste Local Plan: Strategic Sites and Policies (Jan 2014)

MSP 11: Minerals Resource Assessment

MSP12: Surface Development within a Mineral Safeguarding Area

Local Plan

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

Supplementary Planning Guidance - National

National Planning Practice Guidance (NPPG)

Supplementary Planning Guidance - Local

Central Bedfordshire Landscape Character Assessment (January 2015)

Guidance Note No. 1: Wind Energy Development in Central Bedfordshire (March 2013)

Other Relevant Documents

The Climate Change Act 2008

UK Renewable Energy Strategy (July 2009)

National Renewable Energy Action Plan for the UK (June 2010)

Renewables Capacity Study for Central Bedfordshire (March 2014)

Relevant Planning History:

Checkley Wood Farm

Application Number CB/17/02273/FULL

Description The partial & complete demolition of modern framed agricultural buildings. The conversion of a modern framed agricultural building to a garage and studio space. The replacement of two barns into three dwellings.

Decision Pending
Decision Date N/A

Application Number CB/16/05517/FULL
Description The closure of the two former access points into the site and the provision of a new access point into the site incorporating appropriate vision splays. The replacement of the farm house to the northerly side of the site with a detached 5 bedroom dwelling with garage. The replacement of the bungalow to the southerly side of the site with a 5 bedroom dwelling and the conversion of a modern framed barn building to a garage. The conversion of the traditional brick and timber framed barn into a 2 bedroom dwelling with associated parking spaces and private amenity areas. Demolition of agricultural buildings.

Decision Planning permission granted
Decision Date 05/01/2017

Application Number CB/16/05205/SCN
Description Screening Opinion: Installation of a single wind turbine with a maximum tip height of 143.5m (hub height 100m; rotor diameter of 87.0m), substation, hardstanding area, access track, crane hardstanding, temporary meteorological mast and construction compound

Decision Screening Opinion Issued - EIA not required
Decision Date 18/11/2016

Application Number CB/15/00906/SCN
Description Screening Opinion: For a single wind turbine at Checkley Wood Farm

Decision Screening Opinion Issued - EIA not required
Decision Date 25/03/2015

Extensive history of minerals applications

Double Arches Quarry

Application Number CB/14/04426/VOC
Description 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

Decision Variation of Condition Granted
Decision Date 06/01/2016

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| Application Number | CB/14/00556/FULL |
| Description | Construction of additional access road from A5 to Double Arches wind turbine including improvements to existing farm access on the A5 |
| Decision | Planning Permission Granted |
| Decision Date | 14/04/2014 |

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| Application Number | CB/13/02037/VOC |
| Description | Removal of Condition 11 of planning permission CB/10/03034 - The wind turbine shall not emit greater than expected amplitude modulation the level of broadband noise emitted by a turbine at blade passing frequency. |
| Decision | Variation of Condition Granted |
| Decision Date | 12/09/2013 |

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| Application Number | CB/10/03034/FULL |
| Description | Erection of a 2.3 MW wind turbine (108m high to top of hub, 149m high to tip of rotor) including access and associated infrastructure. |
| Decision | Planning permission granted |
| Decision Date | 02/08/2011 |

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|--------------------|---|
| Application Number | SB/08/01073/SCO |
| Description | Request for a Scoping Opinion of the Local Planning Authority- regulation 5 of the Environmental Impact Assessment Regulations for the installation of two Wind Turbines. |
| Decision | Scoping Opinion Issued |
| Decision Date | 16/12/2008 |

Consultees:

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|--|--|
| Heath and Reach Parish Council (Original comments) | We write in connection with the above planning application. We have examined the plans and are familiar with the site and wider location. We wish to object strongly to the installation of a wind turbine on land off the A5 at Checkley Wood Farm, Heath and Reach, LU7 9LG. |
|--|--|

The introduction to the application makes reference to the existing wind turbine erected by AWE Renewables in December 2014 which is located within the Double Arches Quarry, Heath and Reach. It is claimed the original concept and site design was based on two turbines and that this application will enable AWE to complete its original vision and develop the second, final wind turbine.

No explanation is put forward in this application as to why the original concept and site design were not carried forward at the time of the application for the first turbine (CB/10/03034.)

The reasons can be found in the Environmental Statement volume 1, main text, dated July 2010, that accompanied the application for that first turbine.

Section 3.3 of that paper deals with 'Consideration of Alternatives' and firstly explains that as the site on Greensands Ridge is a commercially viable location and as it runs through Double Arches Quarry and this is owned by AWE no further assessment of suitable locations was undertaken.

The paper then goes on to consider 'Alternative Numbers' (3.3.3) and states consideration was initially given to two wind turbines and makes the case that this would have boosted the production of renewable energy. However, it concluded 'Initial assessments completed for the development proposals, in particular the siting of the turbines, indicated that as a result of various constraints a single turbine was the most appropriate option'.

The next three paragraphs of that report set out some of these considerations, namely;

- the eastern turbine of the two original turbines would have to be moved due to its proximity to a block of Scots pines;
- moving the eastern turbine west would have placed it too close to the other turbine 'thus affecting their productivity and also possibly resulting in noise impacts. This meant that the installation of a single turbine only would be most appropriate for this site';
- finally, consideration was given to 'the impact the siting of these turbine(s) would have on the heritage landscape, having regard to its height and visibility when viewed from key viewpoints within the Zone of Visual Influence and also the presence of heritage assets in the locality and wider area.'

and so 'Mindful of these considerations, the decision was

taken to remove the 'eastern turbine and progress the scheme with a single turbine.'

For the avoidance of doubt, the site of the second turbine that is the subject of this application is only 410 metres from the operational Double Arches turbine and its proximity is underlined by the shared access road and other shared facilities.

So far as we are aware the arguments put forward by AWE against a second turbine in 2010 are no less valid today and have not been dealt with in this application.

In its description of The Applicant, paragraph 30 again claims that AWE is now seeking to complete its original vision for two turbines but with no explanation as to why that should now be achievable when AWE itself determined that it was not in 2010. The Parish Council is sceptical of the commitment by the applicant to no additional turbines on the site with design constraints limiting the site to a maximum of two turbines in view of the about turn in their thinking since 2010. It is our contention that the erection of a second turbine so close to the existing Double Arches turbine is a gross over-development of Green Belt land and the impact of the two viewed together will be a scar on the landscape visible for miles around.

The Production of this second turbine is estimated to be equivalent to the power required to serve 1874 homes a year (para 38) OFGEM report that the output of the operational Double Arches turbine produced sufficient electricity in 2015 for 1200 average houses. There are about 600 dwellings in the parish of Heath and Reach - haven't we already done our bit?

In the section Current National Renewables Policy paragraph 75 refers to a new section added by the Secretary of State in June 2015 which states the conditions under which Local Planning Authorities may only grant permission and underlines the importance of addressing the planning impacts identified by the local community so that the proposal has their backing. The question of whether the proposal has the backing of the affected local community is left to the judgement of the Local Planning Authority. It is our contention that for the

reasons set out in this objection it clearly does not.

In July 2015 AWE wrote to residents outlining its plans to build a second turbine close to the existing turbine located at Double Arches and enclosed a small pre-paid card for comments.

Following receipt of AWE's letter residents arranged a public meeting on the afternoon of Saturday 31 July 2015 which was attended by 41 people with organisers claiming that 36 were against the proposal, 1 was in favour and 4 had no comment.

AWE's current application includes copies of 36 cards and emails from residents in response to AWE's first letter. A breakdown shows 3 were in favour; 16 against; 11 expressed concerns about TV reception and 6 raised questions.

In February 2016 AWE circulated a second letter in which they informed residents that the proposal had been amended so that the overall size of the turbine was substantially increased!

In the 'Development Update ' included with the letter they stated that a total of 75 responses had been received and listed the main topics raised by residents and set out how these will be addressed.

This has patently failed to re-assure residents who held a further meeting on 26 May 2016 attended by over 50 people. Of those attending about 5 were in favour of the second turbine with the remainder against for a variety of reasons. Concerns raised at that meeting included the combined visual impact of the two turbines; increased noise; the size of the second turbine and the 'larger swept area' it covers; impact on health and TV reception. These concerns are not based on scientific or planning measurements which are dealt with by SCWT's more detailed objection but the evidence of peoples' eyes and ears having lived with the existing Double Arches turbine since it began operation in December 2014. A note of that meeting is included with this objection.

These are not people against renewable energy, or wind turbines; they are ordinary people who resent their every

day life being further disrupted and their views blighted by the addition of a second turbine creating a gigantic industrial energy generation complex in Green Belt land.

The WMS flow diagram specifically mentions TV reception as an example of the impact of a proposal on the local community.

Following complaints from members of the local community that their TV reception had been adversely affected by the first Double Arches turbine AWE commissioned a study by G Tech Surveys which concluded that TV signals from the Sandy Heath and Oxford transmitters could be disrupted by the turbine in Heath and Reach and areas of north Leighton Buzzard. Their report states that 108 homes had experienced problems and 53 of these had antennas moved away from Sandy Heath on to another transmitter. To put this in context, there are about 600 dwellings in Heath and Reach. What this means to those people is that they no longer receive local news from the Anglia region, they are no longer able to follow events in Bedfordshire and Milton Keynes; they are unaware of what their local politicians and national MPs may be telling the rest of the region, or the fortunes of their local sports heroes, they are even spared the local weather forecasts.

AWE glibly point to the availability of satellite delivered TV as a solution but many household do not have a dish, do not want a dish or are unable to use a dish. G Tech reported that 30% of households in the study area had satellite receiving equipment in place - which means that 70% did not.

In late 2015 and early 2016 AWE commissioned a second survey from G Tech 'to determine the potential effects on the reception of television broadcast services from the proposed second Double Arches wind turbine'. Not surprisingly its conclusion is:

Due to the terrain around the site widespread interference is expected for the reception of Sandy Heath Services in Heath and Reach and northern parts of Leighton Buzzard. The inter-action of unwanted signal reflections is likely to cause pixilation on some received DTT services especially HD services for properties located

nearer the site'.

Their solution is again to turn the antenna towards Oxford and lose local broadcasts, or switch to satellite and lose some Freeview programmes - whether you like it or not.

The procedure to do this involves the viewer recording details or when the signal was disrupted, not an easy task when the interference is intermittent, external and internal measurement of the signal strength at the property and finally the remedial technical compromise.

We are not sure how much weight TV reception carries in planning law but in the every day life of the local community it is important.

This taken with the other issues identified in the public meetings held in the community and the objection document prepared by SCWT, the local community action group representing Heath and Reach, Great Brickhill, Potsgrove, Woburn and Leighton Buzzard' clearly demonstrates that the local community does not support the application for a second turbine.

It is clear from public reaction to this application that identified impacts have not been fully addressed and the proposal does not have the backing of the affected local community. On this basis alone it should be refused.

Taken with the above overdevelopment of Green Belt land and the increased visual intrusion this second turbine would have on the heritage landscape, having regard to its height and visibility and its close proximity to the existing turbine; we believe there is a strong case for refusing this application and ask that this be the officers' recommendation.

Open Meeting held on 26 May 2016 at 7pm to discuss the application for a wind turbine on land at Checkley Wood Heath and Reach.

There were 50+ members of the public in attendance together with CBC Ward Councillor Mark Versallion (MV).

Francesca Sheppard, Clerk to the Parish Council chaired the meeting and began by outlining its purpose and

informing those present that comments had to be received by CBC planning department by 14 June, with a decision expected by 4 August. Full details of the application could be found on line. [CB/16/01389/FULL email planning@centralbedfordshire.gov.uk]

As Cllr Versallion had another engagement he was invited to address the meeting first.

MV explained that he was a resident of the village as well as its elected representative on CBC. He gave a history of the existing turbine and pointed out that the application was approved before he became a councillor at CBC. Although in favour of renewable energy his preference was for solar energy. He is unhappy with the existing turbine and certainly does not want a second. MV explained that his job was to pass residents views back to CBC.

The meeting at which the application is considered is to be at CBC offices in Chicksands at 10am on 20 July. MV's role is to have the application 'called in ' so that it is considered by the full committee and not delegated to officers. To help him achieve this he requires good grounds, planning reasons and precedent.

Residents need to mobilise opinion against the application as soon as possible and to email the planning department at CBC with their objections.

Officers appear to be open minded on the application but he believes there are three credible arguments that may influence them :

1. Since the first turbine was granted the rules have changed and planning guidance now states that local opinion is to be given more weight.
2. The visual impact on the landscape. It is more usual for applications to be for one large turbine or a cluster of smaller ones. AWE went for a single big turbine without disclosing their intention to go for a second.
3. The unresolved interference to TV signals. The planning officers may not attach much weight to this but Councillors will.

MV then took questions from those present.

A Potsgrove resident asked why AWE had not applied for two turbines originally and why had they now. It was thought AWE had acquired use of the land at Checkley Wood since the application for the first turbine.

It was clarified that whilst the height of the tower of the new turbine was shorter than the existing, the blades are bigger making it a similar height overall. The reason for this was given as economics as the bigger blades will generate more power.

MV informed the meeting that in response to CBC's call for sites AWE had put forward land in or around Checkley Wood for the building of up to 4000 houses.

One resident said they had contacted CBC by letter and email but had received no response.

The majority of those present confirmed they had received a letter(s) from the applicants.

A resident of Leighton Buzzard asked MV if in view of his support for solar energy and the economic arguments of renewable energy did he support the governments push for fracking? He replied if forced to choose his preference is for solar panels.

It was put forward by a resident that if there was no second turbine the land becomes available to developers, to which another responded that it was still Green Belt. MV stated that Green Belt was no protection as it could be 'rolled back' if the land was needed. He went on to say CBC only needed about 5% of the land put forward for housing in its call for sites. There should be a short-list produced by Christmas and it was his view there were better sites elsewhere.

Someone remarked that AWE had developed a large turbine in Aylesbury and it was alleged they had failed to keep their promises there.

It was asked if the access roads remained in place for 25 years did the site become brownfield and thereby easier to develop and was this a motive for the second turbine. MV felt brownfield sites were not always more easily developed.

It was pointed out that a large part of this area had been a quarry and was more liable for development.

A resident asked for guidance on the best approach when contacting CBC would it be one letter signed by all? MV's advice was that each individual should write to or email CBC planning department in addition to a response compiled by any action group formed.

It was generally considered to be helpful if a template could be produced for residents to follow.

Mr Christopher Roberts was attending the meeting to present the objection document on which he was working and spoke in favour of an action group being formed.

In clarifying what aged person could write it was suggested they should be on the electoral register. CBC is able to track emails received and so this method is preferred over responses via the planning portal.

A resident of Overend Green said they were close to the existing turbine and could hear noise. It was stated this would increase as there is meant to be adequate separation between turbines to mitigate this but the site does not meet this.

MV was asked by a person living in north Leighton Buzzard how councillors in LB felt about the issue. He was encouraged to contact his local councillor about his concerns and to get others to do the same.

Another resident who lives ¼ mile from the existing turbine claimed that noise was an issue and was told that two turbines would be much greater.

It was asked how since last year had AWE acquired use of this land and the view was that the tenant farmer's lease had expired.

There was some discussion on the accumulative effect of turbines on noise generation and had any study been done on the noise produced? A resident was aware of two surveys but had not been made aware of the results. In the application there are 20 pages on noise, objectors

have to show AWE has not properly used the information available.

Mr Christopher Roberts of Stockgrove has completed a substantial amount of work on a document setting out grounds for an objection and was invited to address the meeting.

He explained that he had drawn on the Dorcas Lane objection for case history and offered to provide his contact details to those wishing to work with him as part of an action group to progress an objection to the second turbine.

In his view AWE has produced a huge document full of spin and inaccuracies. He went on to present what he considered to be some facts:

- although the second turbine is the same height as the first the area of sky it covers is 66% larger;
- the site is too small for two large turbines, this compromises safety, noise and efficiency (less energy);
- local communities will be affected, the scale is frightening;
- this is an industrial application for two massive turbines which exists nowhere else in the country.

The scheme is taxpayer funded. Heath and Reach has contributed enough through the existing turbine. The Localism Act sets out that what happens in an area should be determined by local residents.

Mr Roberts said that he was happy to coordinate local views and efforts and that the more research that can be done, the better.

A resident pointed out that there is a lot of information on turbines available on CBC's website. It was questioned if the loss of a TV signal matters.

A resident spoke in favour of the second turbine, saying they were not near enough to be affected.

A resident of Linslade asked if everyone said no to renewable energy what was the alternative? He suggested some people were not interested in renewable

solutions.

A resident disputed this saying that people have solar panels but do not want a second turbine and it was inappropriate to suggest they were not interested.

A lady asked if anyone else had health problems caused by the existing turbine? She went on to outline several ways in which she believed her health has suffered. It was felt that health was a strong argument.

The meeting was asked how objectors could get their message to the whole community and one suggestion was a leaflet setting out key points that could be distributed to all households.

This was something it was felt the action group could organise. Another suggestion was to produce a template for emails and letters.

The web was seen as a good source of information and someone said there must be people we can talk to. Christopher Roberts repeated that he had used the Dorcas Lane objection as a template.

The meeting was reminded that there was a Facebook group opposed to the turbine that could be used to share information.

Mr Roberts was thanked for his contribution and afterwards a number of people exchanged contact details with him.

Heath and Reach Parish
Council (Comments to
Revised Scheme)

I can confirm that the full Parish Council discussed this application on 4th July and the decision remains to oppose this application.

I have been instructed to state that should the application proceed that strict conditions should be enforced i.e.:

- (1) Any issues with TV reception are fixed at Arnold White Estate expense.
- (2) It is vital that there is an on-going review of impact/performance and these reports are regularly published including impact on wildlife.

Environment Agency

We have no objection to this application.

Please consult Natural England.

Informative

Appropriate protection (which should allow for inspection of joints) should be afforded to any oil-filled underground cabling and regular leak testing should be carried out, to minimise the risk of pollution to groundwater and surface waters.

As part of the decommissioning of this wind turbine, all below ground cables should be removed as electrical cables contain insulation oils which, if left to degrade within the ground, could lead to localised contamination of soils and potential leaching to surface water drains in the area.

CBC Local Plans

Comments:

The Council's technical Guidance Note 1: Wind Energy Development in Central Bedfordshire seeks to identify those areas most sensitive to the impact of wind farm developments. A mapping process helped to identify areas of higher and lower sensitivity, through an assessment of; landscape character, key assets likely to be affected by the introduction of turbines; tranquillity and proximity to communities. This site is identified in an area of moderate sensitivity to wind energy development according to the guidance, which also states that the area has low capacity to accommodate clusters of more than 1 wind turbine. The Landscape Officer will provide comments on whether she is satisfied with the mitigation proposed to limit landscape impact and other aspects, such as noise are dealt with satisfactorily.

NPPG states that for planning applications for one or more wind turbine LPAs should only grant permission: if the site is identified as suitable for wind energy in a Local or Neighbourhood Plan; and following consultation it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. Where a Development Plan does not identify suitable sites (as is the case in CBC where a new Local Plan is in early stages of preparation) the LPA can find the proposal acceptable if, following consultation, they are satisfied the

applicant has addressed the planning impacts identified by the affected local community and therefore has their backing. The Renewables Officer's comments made on this application make relevant considerations in relation impact raised by local communities.

The application proposes one turbine however any assessment of this turbine should be considered with regard to the existing adjacent turbine, therefore the cumulative impact of both will be assessed.

Summary:

Whilst there is no objection in principle, the Case Officer must consider and address the concerns of the Renewables and Landscape Officers in judging this scheme as well as consider the cumulative effect caused by this and the existing turbine.

Renewables Officer

The national and local planning policy context are set in the following document, that has been adopted by the Council as technical guidance for Development Management purposes.

Guidance Note 2: Solar Farm Development in Central Bedfordshire.

The guidance has had input from specialists from across the Council and provides 'key principles for consideration. Detailed responses, specific to the proposal, will be provided as part of the consultation.

It is important to stress that this application would make a positive contribution to decarbonising the electricity grid and reducing green house gas emissions, in line with the Climate Change Act.

However in deciding whether this scheme should be approved it is important to consider this in the context of recent changes to national planning guidance in relation to renewables, especially wind energy.

In June 2015 a Written Ministerial Statement was issued. This provides further guidance to Local Planning Authorities which states that:
'...when considering applications for wind energy development, local planning authorities should (subject to the transitional arrangement) only grant planning

permission if:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.'

These are therefore key areas for consideration.

With regards to point 1. the Council is in the process of writing a new Local Plan for Central Bedfordshire, therefore suitable sites for wind energy have not yet been identified through this process. There are also no adopted Neighbourhood plans for the area covered by the application that consider site suitability for wind energy.

Guidance Note 1: Wind Energy development in Central Bedfordshire, does however assess landscape sensitivity to wind energy development. The area in question falls within a zone of 'moderate' impact. However the guidance also states that this area has low capacity to accommodate clusters of more than 1 wind turbine.

The Wind Guidance does not rule this area out, however the applicant does need to demonstrate that necessary and proportionate mitigation measures has been put in place to the limit the impact in accordance with the assessed sensitivity detailed in Guidance Note 1 (and also national policy and guidance).

The documentation linked with this application largely treats this as a single turbine; however it should be seen and treated as an extension to the existing turbine and therefore the cumulative impact of both turbines needs to be considered. The Landscape Officer will cover this issue fully in her response.

Regarding point 2. concerning Community support. The Ministerial Statement goes on further to say that whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority.

A process of community 'consultation' was carried out in

the form of two letters and leaflets inviting the community to submit comments. Based on the work done on community engagement for other large renewables schemes much more could have been done, particularly in relation to public meetings and engagement with the parish Council(s).

The leaflet produced does respond to questions and concerns raised, however what is evident from the comments provide is that the issues relating to television reception in particular caused by the first Double Arches turbine have not been resolved.

A useful summary is provided in the applicant's Environmental Report. Table 15 provides a summary of the range of impacts identified through the community consultation, highlights where these issues are covered in the Environmental report as well as how they would be addressed.

Of the planning issues, many such as Landscape or noise, will be covered with in the scope of the relevant specialist officer's consultation response.

In addition to these, there are two key areas that need to be highlighted.

- a. **Number of turbines.** Whilst the Checkley Turbine should be considered on its own merits, the cumulative impact of the proposed turbine with the existing Double Arches turbine is a planning consideration. This does not seem to have been fully addressed within the Environmental Report.
- b. **TV Interference.** It is clear from the community consultation responses that TV interference from Double Arches is still a major issue, even though the applicant says these issues are now resolved. The mitigation measures proposed will result in loss of local news and this was also highlighted as an issue. To some residents, especially many who are elderly, the Local News service is an important link to what is happening in the area. Whilst a condition could ensure that some of the reception issues are addressed it does not seem to be technically possible to secure a signal that provides the local news service.

Conclusion: I have reviewed the papers and evidence provided:

- The project would contribute towards achieving UK's renewable energy generation and carbon emission reduction targets set in the UK Renewable Energy Strategy (2009).
- The proposed development of the wind turbine is supported by the UK national planning guidance on sustainable development and Renewable energy set in the National Planning Policy Framework (2012). However, the June 2015 Written Ministerial Statement provides further guidance as to key areas that Local Planning Authorities need to be satisfied about in order to grant planning permission. Consideration of these, particularly in relation to community engagement is key, in particular the issue of TV reception and cumulative impact with the existing turbine at double arches.
- The site is identified as an area of moderate sensitivity to wind energy development in the Council's technical Guidance Note 1: Wind Energy Development in Central Bedfordshire, which also states that the area has low capacity to accommodate clusters of more than 1 wind turbine.

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In summary, the development contributes to decarbonisation of electricity production and, assuming any other impacts can be adequately mitigated (heritage, ecology etc).

I have no objections to planning permission being granted, however this is based on the assumption that committee is satisfied that the issues raised by the local community have, or will, be adequately resolved and the Landscape Officer is satisfied with the mitigation proposed to limit landscape impact and other aspects, such as noise etc. are dealt with satisfactorily.

Hugh McNeal (Chief
Executive of
Renewables UK Ltd)

I have been asked to provide clarification regarding Renewable UK's position on onshore wind in England, and its relevance with regard to the application by Checkley Wood Energy Ltd. for a single wind turbine at Checkley Wood, planning ref: CB/16/01389/FULL. I would like to take this opportunity to clarify the relevance of my statements for individual projects.

My interview with the Daily Telegraph (5th June 2016) stated that wind speeds in England are, in general terms, lower than elsewhere in the UK, and this is supported by Met Office data. Due to geographical differences in wind speeds, developments in specific parts of Scotland, Wales and Northern Ireland are more likely to better perform in a commercially competitive market than equivalent projects in England. That is to say that some onshore wind developments will be better able than others to compete on price with similarly low-cost technologies, such as gas. This is an important milestone reached and a clear demonstration that far from being uncompetitive onshore wind in parts of the UK is capable of delivering power at lowest cost to the consumer.

However, this does not mean that all onshore wind turbine developments in England will, in all circumstances, be unviable, or uncompetitive. The economics of each development will differ due to a range of project specific circumstances. These include, for example, the costs of project development and construction, grid connection and financial support, which will be set against the level of income expected to be received in return for the generated power.

As you will no doubt be familiar, the clean energy generated from renewable energy sources delivers environmental benefits not only to the community, but also to the UK as a whole, by contributing to our legally binding climate change targets. In this regard, national policy is clear that the generation potential of any single renewable energy development, be it large or small, should be considered in a positive light (paras 90 and 98, NPPF).

We know that it will be more challenging for wind energy developments to operate financially in parts of England following the closure of the Renewables Obligation. However, there has been no change in planning policy or guidance to suggest a need for applicants proposing renewable energy developments to demonstrate their economic viability. Developers seeking to progress wind energy developments do so in full knowledge of these challenges. Provided that the applicant considers the scheme viable there should be no need for the planning process to give the project economics further

consideration.

Friends of the Earth
(Summarised)

South Bedfordshire Friends of the Earth strongly support this wind turbine application on the grounds of community support, the urgent need to deliver practically on renewable energy following the fifth carbon budget passed with all party support in July 2016, the constraints and challenges of grid capacity as well as the economic argument that Central Bedfordshire Council is keen to attract employment as part of its growth plans and major businesses are investing in wind power and it makes Central Bedfordshire not be a place to do business if it is not progressive in its approach to renewables. I would also state that in a FOI request from South Bedfordshire Friends of the Earth showed that there have been no complaints to CBC on noise.

1. Community support.

1.1 We have knocked on the doors in Heath and Reach on approximately three occasions for an hour and half each time to talk to residents about the application for a second wind turbine. We have also talked to people on the issue when we have held stalls. During our sessions of knocking on doors in Heath and Reach, approximately about a quarter or less of people were actively opposed to the wind turbine, about a quarter were very keen to support and the other half were not that bothered but were interested to hear our views. There are quite a few letters from people in Heath and Reach and some who live quite close to the wind turbine.

The sale of Overend Farm does not seem to be in any way negatively affected by the wind turbine proximity.

1.2. Television reception; One of the major complaints was that you can no longer get Look East but you get the BBC South. However, if you study the Freeview page about the relevant local news, Heath and Reach is in the area of BBC South not Look East, so it is a matter of national television regional news not the wind turbine.

There were a few concerns over television reception, but it appears (and this had been backed up by comments on the doorsteps) that AWE had gone to huge lengths to restore television coverage and many people were very grateful for the help they had had from AWE. My

experience of Leighton Buzzard from well before the wind turbine is that reception is not good and which channels you can receive change with the weather, and we are on the border of different news channels so some people I know get London news, others Anglia and others Southern.

1.3 The official CBC consultation for the Community plan in Leighton Buzzard which according to CBC was one of the best attended community planning events in CBC, showed support for wind turbines in general and locally.

44% of people thought that the most important part of the environment that needed protecting was open space such as wildlife habitats, **this was followed by 34% of people who thought that renewable energy was the most important.** The disused pits north of Heath and Reach were highlighted as a potential site for wind turbines. Looking at the appendices there are only two comments against wind turbines and many comments in favour of wind turbines.

1.4 There is increasing interest and concern about renewable energy in Leighton Buzzard. In September 2016 we jointly organised with the Christian Ecology Leighton Linslade group a public meeting on climate change with the RSPB that was attended by 60 people and then we held a meeting in November chaired by Andrew Selous with a speaker from the Department of Business, Energy and Industrial Strategy that was attended by 100 people;

2. The need for Renewable Energy; the planning balance.

2.1 The UK has confirmed its commitment to and signed the Paris Agreement. The UK has its own Climate Change Act and as part of that legislation parliament, with support from all political parties (apart from UKIP) in July 2016 passed the Fifth Carbon Budget which clarifies the levels of emissions reductions needed to meet the targets of the Climate Change Act and as part of that the reduction of CO₂ per Kwh. This needs to change from the present (2014) amount of 450g CO₂ per kwh down to 100g per Kwh by 2030.

2.2 All three scenarios within the Fifth Carbon Budget show a requirement for about 30TWh for onshore wind power for 2030. At present according to the table on page 37 the generation in 2014 (which are the latest figures that the Committee on climate change work to) was 18TWh (6%) of our supply. **This means that parliament is expecting a significant increase/ doubling of onshore wind in the next 14 years.**

2.3 Kier Construction (one of CBC's major employers) raised concerns over energy supply in the UK in its annual 2016 report

"In energy, the UK risks a supply crisis without further investment in more power generation capacity. Given rising demand, from economic and population growth, and reduced supply, from the closure of coal and nuclear plants, the Institution of Mechanical Engineers is forecasting a supply gap of 40-55% by 2025, before interventions."

3.1 REGEN SW produces an annual progress report on the UK's progress in renewables and has provided the following statistics:

Central Bedfordshire total energy demand - 6,184,587 MWh

Central Bedfordshire total estimated renewable energy generation based on installed capacity - 159,217 MWh - installed capacity of 122.67MW

3% of energy demand is met by renewable energy

Central Bedfordshire total electricity demand - 1,029,094 MWh

Central Bedfordshire total estimated renewable electricity generation based on installed capacity- 133,933 MWh installed capacity of 103.11MW

13% of electricity demand is met by renewable energy

3.2 Ranking of central Bedfordshire among local authorities for renewables.

Central Bedfordshire ranks 112 out of 348 local

authorities for the amount of renewable electricity that is produces as a percentage of its electricity consumption. It produces 13% of its electricity from renewables and just 3% of its total energy demand from renewables.

Therefore in CBC there is an urgent need for renewables.

3.3 The 2014 report Renewables Capacity Study for Central Bedfordshire.

On page 70 shows wind power generation at 33,000-355,000 MWh and in table 19 it sees a big increase in onshore wind power from existing capacity of 20 MW to a capacity in 2031 of 70 MW with an output of 154,000 MWh per year. This is explained in para 7.1.2.

“Contributing to national targets This scenario considers the total amount of renewable energy capacity that would be needed in Central Bedfordshire to make a proportionate contribution to the achievement of national renewable energy and emission reduction goals. As the UK currently has a number of legal obligations to boost renewable energy deployment and reduce carbon emissions, this scenario is useful in understanding what level of development Central Bedfordshire will need to bring forward if it is to support the national ambition. We have based the target for 2030 on the emissions target currently in place under the UK’s 4th Carbon Budget. This states a nationwide reduction in annual carbon emissions of roughly 40% will be needed by 2030 compared to 2010 levels, in order to stay on track to achieve the legally binding target of an 80% reduction by 2050. This is more ambitious than the newly announced EU target for emission reductions, which requires a 40% reduction by 2030 on 1990 levels for each Member State. As the Carbon Budget relates to the legally binding framework adopted by the UK government and is more challenging, we have used this target as the lead assumption for this scenario.

The total annual carbon saving required from renewables by 2031 to achieve this target is approximately double the carbon savings which would be achieved according to the business-as-usual scenario described in the previous section. It would therefore be necessary to roughly double the overall rate of deployment set out in the business-as-usual scenario to achieve this target by

2031. An approximate breakdown of what this could mean by technology is provided in Table 19.

3.4 Land use and landscape value

The solar farm at Eggington produces a similar amount of electricity - about enough to power 1200 homes per year, as the existing wind turbine at Double Arches. Yet the land take is considerably more. If similar amount of energy was created through solar farms as wind turbines, the landscape of Central Bedfordshire would change significantly from being an agricultural landscape to being one of solar panels. It might appear that councillors are confused when they say that they prefer solar. Roof top solar is significantly more expensive than onshore wind turbines so it would be very unlikely that a developer would be keen to create a similar amount of generation through rooftop solar. Onshore wind is currently £67-102/MWh and roof top solar is £158-246/MWh (rooftop).

3.5 Other facts on wind; price and intermittency

The Fifth Carbon Budget shows that onshore wind is one of the cheapest renewable technologies, estimating that by 2020 onshore wind power will be the same cost as gas.

Intermittency;

In the first nine months of 2015 there were 900 reported failures at coal and gas power stations in the UK, none leading to a blackout. A nuclear power station may lose hundreds of megawatts of capacity in a few seconds, as happened in 2015 when Hunterston B nuclear power station was closed by high levels of seaweed preventing it from taking in cooling water.

The reason why these sudden failures rarely lead to power outages is because the grid is good at dealing with sudden changes in demand and generation. To cope with sudden or unexpected changes the National Grid runs the Short Term Operating Reserve (STOR) and has a number of tools at its disposal, such as engaging different generators, using back-up electricity sources, paying companies to use power at different times (Demand Side Response), or temporarily lowering the grid's voltage. By comparison to the sudden loss of a large fossil or nuclear power station, or the daily spikes and troughs in demand, the gradual and predictable ups and downs of

renewables are easy to manage and very unlikely to cause blackouts. The Government has also brought in the “capacity mechanism” policy, to ensure enough “back-up” power is available over the winter, when demand is highest. This policy provides contracts to generators to ensure that there will be sufficient capacity available to power the country in the event that other forms of generation will not be available. In the most recent capacity market auctions 500 MW of new-build large scale battery storage was awarded contracts for the first time – showing the rapidly changing nature of the sector, while the equivalent of 800 MW of Demand Side Response has also been contracted.

How renewables fit in the current electricity mix

Far from causing the lights to go out when the wind doesn't blow, energy systems with lots of variable renewables can be very reliable. Germany and Denmark have the two most reliable energy systems in Europe, with four times fewer minutes of power outages than the UK, and some of the highest amounts of renewables. Portugal too has successfully run its energy system on very high levels of renewables for many years. Partly this is due to overall improvements in grid management, but it is also partly due to the nature of renewables. A grid based on renewables is likely to be more diversified than one based on smaller number of centralized power stations. This means that if something does go wrong with one part of the system, it is far less of a threat to system security.

While wind and solar may be variable, they are also increasingly predictable. Advances in information technology and weather forecasting have greatly increased the ability of grid operators to accurately calculate power generation from renewables from a day to five minutes ahead. This means that other sources of generation can be available for those times when sufficient renewables are not available, or to cope with sudden spikes in demand for power.

4. The business and economic argument

If Central Bedfordshire Council has a negative attitude to wind power then it becomes a council that is out of line with business and this could harm the delivery of Central

Bedfordshire Council aims and objectives and five-year plan. If Central Bedfordshire Council is keen to support business investment and attract modern forward looking employers then it should be actively supporting onshore wind power.

4.1 Big businesses that are investing in Central Bedfordshire and are celebrated by CBC such as Amazon, BAE Systems, Nissan, The Jordan's and Ryvita Company, The Kier Group, RSPB, and Whitbread are all directly investing in wind power as a source of their energy. As well as this, Google, Facebook, Amazon and Apple are making major investment in wind power.

5. Environment, wildlife, noise and visual appearance

We follow the RSPB in their view that Climate ***We must act now***

Historic England
(Comments of
08/11/2016)

Historic England Advice

The Cultural Heritage Assessment provides an updated assessment of the impact of the turbine upon the setting of the nearby designated heritage assets, focusing on several aspects identified in during the earlier meeting. This includes a comprehensive visual impact assessment for the grade I Registered Park and Garden at Woburn (and the highly graded designated assets it contains), an expanded and enhanced assessment for several nearby listed churches (in particular the grade II* Potsgrove Church), conservation areas (including Eggington Conservation Area), the grade II Battlesden Registered Park and Garden, the nearby scheduled monument of The Hault and the more distant monuments at Totternhoe Castle and Maiden Bower. We appreciate the additional information provided by the applicant, including the 36 new viewpoints from within Woburn Park. We are disappointed that no new viewpoints have been provided for The Hault, Battlesden, Potsgrove Church or Eggington Conservation Area; although we acknowledge that further assessment of these assets has been provided in the text.

Our previous advice expressed strong reservations over the original heritage assessment's conclusions that there would be '*no harm*' to the significance of nearly all the

heritage assets impacted, and only a '*negligible*' harm to the significance of Woburn Abbey. We noted conflicts with this assessment and the conclusions of the various historic environment consultees during the planning consultation for the adjacent Double Arches wind turbine in 2011 (CB/10/03034/FULL). The updated assessment has provided a table listing the criteria used by Headland Archaeology when determining the degree of harm (negligible, slight, moderate and major). We note that they state that '*less than substantial harm*' (as expressed in the National Planning Policy Framework) equates to 'slight' and 'moderate' in their criteria and '*substantial harm*' equates to 'major'. Of the pertinent nearby designated heritage assets, the updated assessment has concluded that there would be '*no harm*' or '*negligible harm*' to the significance of Battlesden Park, the churches at Leighton Linlade, Milton Bryan and Potsgrove, or any of the nearby conservation areas (including Eggington). There would be '*no harm*' to The Hoult scheduled monument, or those at Totternhoe Castle or Maiden Bower. It concluded that '*at best*' the turbine would result in a negligible degree of harm to the significance of the grade I Woburn Park.

Although we do not disagree with most of the descriptive assessment of the values of assets which has been provided; we do disagree with many of the subsequent conclusions. It is our view that the assessment has not fully considered the importance of the setting for several of the assets - for example the views looking northwards out of Eggington Conservation Area or the views from the area in front of and around the lych-gate at Potsgrove Church. In other areas we would consider the assessment to have underplayed the effect the turbine's visual impact upon the significance of some of the assets - for example 'no harm' to Battlesden or a 'negligible degree of harm' to Woburn.

Whilst we would not consider any of the assets to experience a particularly high level of harm from this development, we cannot agree with the conclusions that there would be no harm whatsoever (in terms of NPPF Paragraphs 132 and 134). Where it is visible, the turbine would impose a notable feature onto the landscape, whose height and unfamiliar motion would juxtapose and intrude into one's experience of a number of designated

heritage assets. It would mirror and add to the acknowledged adverse impact from the pre-existing Double Arches turbine. It would increase the amount of modern infrastructure within this historic landscape and erode the historic context of these assets.

We agree with the assessment for several heritage assets that the turbine would only be visible in views or aspects of their setting which make little or no contribution to their significance. However for a number of assets (including the Hoult, Potsgrove Church, Eggington Conservation Area and the parks at Battlesden and Woburn) it is our view that where the turbine would be visible, it would distract and intrude and have the effect of eroding into landscape views which *do* contribute to significance. For example, the continued glimpsing of rotating blade tips from the ridge of Stumps Cross in the north of Woburn Park (which would be seen in combination with those of the Double Arches turbine) would impact upon the setting of the Registered Park and Garden. We appreciate that Stumps Cross is not a wholly designed view and does not contain specific eye-catchers or features to draw the eye (such as tree lined avenues, for example). However the views from this area, which is one of the highest points in the parkland, still add to our understanding of the parkland, its significance and the way its landscape was historically experienced. The intrusion of the turbine blades into these views would impact into our experience of this heritage asset and we would consider this to result in harm. Given the nature of the views and their overall contribution to the significance of the heritage assets, we would not consider this harm to be high; however we cannot agree with the assessment that there would be no harm at all.

There would be a similar consideration for The Hoult and for the nearby assets at Battlesden, Eggington and Potsgrove. As referenced above, the updated assessment did not include any new photomontages / viewpoints from these assets and the original assessment had only one for The Hoult and one from the avenue of Battlesden Park (in which both turbines would be clearly visible). No views from Eggington Conservation Area or from the front of Potsgrove Church have been provided. It is therefore difficult to precisely categorise the impact of the turbine. Additional information could be provided to

help clarify this (e.g. additional viewpoints). However, based on the information available (which included a detailed written assessment), we would remain of the view that the turbine would impact positive elements of these assets' setting and would result in harm - although we would accept the level of harm is unlikely to be significantly high.

It should be noted that the proposals would impact upon several listed buildings, conservations area and have a notable impact upon the grade II Registered Park and Garden of Battlesden Park (where harm could be argued to be higher than stated above). It is therefore important that the Conservation Officer at Central Bedfordshire Council is consulted on these proposals and the updated heritage assessment. Similarly, the proposals would impact upon the setting of non-designated archaeological heritage assets and the Development Management archaeologists at Central Bedfordshire Council should therefore be consulted.

Paragraph 129 of the NPPF requires local planning authorities to take into account the particular significance of any heritage assets affected by a proposal, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of that proposal. Paragraphs 132 and 134 builds on this and state that when considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation and more important the asset, the greater the weight should be. *Any* harm requires clear and convincing justification and must be weighed against the public benefits of the proposals. Paragraph 137 goes onto state that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance, treating favourably those proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.

Historic England does not agree with the conclusions of the heritage assessment and it is our view that these proposals *would* result in harm to the significance several nearby designated heritage assets. The level of harm for the majority of the assets would not be high; however it

would still need to be assessed in line with policy tests laid out in paragraphs 132 and 134 of the NPPF (as well as paragraphs 129, 128 and 137).

Recommendation

It is our view that the proposed development would result in harm to the significance of a number of designated heritage assets. Should Council proposes to approve the scheme in its current form, you should be fully satisfied that there is clear and convincing justification for the level of harm and that this harm it is outweighed by public benefits of the proposal. You should also be satisfied that the same benefits could not be delivered through a less harmful scheme.

In addition to this advice, we would recommend consultation is undertaken with the Conservation Officer and the Development Management Archaeologist at Central Bedfordshire Council.

Historic England
(Comments of
11/01/2017)

Historic England Advice

The additional information (January 2016) comprises seven visualisations demonstrating the impact upon the setting of the grade II Battlesden Park Registered Park and Garden, as requested by Central Bedfordshire Council (CBC). This includes views of the grade I listed Church of Saint Peter and All Saints. which is situated within the park. Separate to this, Historic England and CBC have discussed the impact upon Eggington Conservation Area and photographs have been provided by CBC to demonstrate the area and landscape around Potsgrove Church.

We welcome the additional visualisations for Battlesden Park, which are helpful in demonstrating the impact of the existing Double Arches turbine and the proposed new turbine at Checkley Wood. The park is grade II registered and we would defer comment on the impact upon its setting to the Conservation Officers at CBC. The church is grade I listed. It has a discrete presence, being situated within the woodland of the registered parkland and with a comparatively diminutive appearance. However there is importance in the views to and across the asset, particularly when considering its location within a designed parkland and the wider rural landscape.

The visualisations demonstrate several views from the north / northeast in which the church emerges from the woodland and is framed within an agricultural landscape which, apart from the Double Arches Turbine, is comparatively unencumbered by modern development or infrastructure. These views, which include designed elements of the registered parkland, form part of the setting of the church and contribute to its significance. They enhance our understanding of the church's relationship with other assets, its placement within the surrounding landscape, and provide important historic context. The existing Double Arches Turbine erodes into the historic character and intrudes into these important views, impacting upon the setting of the church and harming its significance. The proposed Checkley Wood Turbine would add to this. It would impose another notably modern feature onto the historic landscape around the church and park, where the form and unfamiliar motion would juxtapose and intrude into one's experience of the assets. Its visibility and observed harm would vary depending upon the direction it is seen from and the amount of intervening screening; however it would be particularly harmful in those views from the northeast where it would appear directly above the church. It is our view that although the level of harm would be considered '*less than substantial*' (in the terminology of the NPPF), it would be towards the higher end of that scale.

In regards to Potsgrove Church, the new turbine would be visible (or partially visible), in several views from the church's immediate surroundings. However, we are satisfied that it would be largely screened by intervening vegetation or development in those views which contribute most to the church's significance (e.g. the view from directly in-front of the church, long views looking over and past the church, and from the lynch-gate and area directly inform of the churchyard). Although we remain of the view that the turbine would result in some harm to the assets' significance we would not consider the level of harm to be high. We have no further comments on Eggington Conservation Area, but would reiterate our previous comments regarding The Hoult scheduled monument (see letters dated 16th September and 8th November 2016).

Paragraph 129 of the NPPF requires local planning authorities to take into account the particular significance of any heritage assets affected by a proposal, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of that proposal.

Paragraphs 132 and 134 builds on this and state that when considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation and more important the asset, the greater the weight should be. *Any* harm requires clear and convincing justification and must be weighed against the public benefits of the proposals.

In line with our previous advice, we would consider the proposed wind turbine to impact upon the setting of a number of designated heritage assets. It would erode and visually intrude into part of these settings which contribute to significance and it is our view that this would result in harm. We would re-iterate our previous advice that we do not agree with the conclusions of the applicant's Cultural Heritage Assessment that there would be 'no harm' to the majority of the designated heritage assets affected. We would accept that the harm caused by the turbine would be considered 'less than substantial' in the terminology of the NPPF; however the degree of harm within this scale would vary. We would consider there to be a low-moderate level of harm to the significance of assets such as Woburn Park, Potsgrove Church and The Hoult scheduled monument, but a moderate-high level of harm to the significance of the grade I listed Church of Saint Peter and All Saints, Battlesden.

Should the Council propose to approve the scheme in its current form, you should be satisfied that there is clear and convincing justification for *any* harm to significance of the designated heritage assets. This harm should be outweighed by public benefits of the proposal. This is in line with the policy tests laid out in paragraphs 132 and 134 of the NPPF. You should also be satisfied that the same benefits could not be delivered through a less harmful scheme and where a higher degree of harm is identified, such as at Battlesden, you should consider if there are ways to minimise this.

The Council should also consider where there could be opportunities for the application to enhance or better

reveal their significance of the designated heritage assets affected by the proposed turbine. This could be through new works to improve the condition of these assets or increase awareness and understanding of significance through new interpretation and research. This would be in line with Paragraph 137 of the NPPF.

The proposals would impact upon the setting of several grade II listed buildings, conservations areas and the grade II Registered Park and Garden of Battlesden Park. It is therefore important that the Conservation Officer at Central Bedfordshire Council is consulted on these proposals. Similarly, the proposals would impact upon the setting of non-designated archaeological heritage assets and the Development Management archaeologists at Central Bedfordshire Council should therefore be consulted.

Recommendation

It is our view that the proposed development would result in harm to the significance of a number of designated heritage assets. The Council should only approve the scheme in its current form if you are fully satisfied that there is clear and convincing justification for the harm and that it is outweighed by public benefits of the proposal. You should also be satisfied that the same benefits could not be delivered through a less harmful scheme.

The Gardens Trust

Response will be reported on the Late Sheet.

CBC Conservation
Officer (West Area)

These comments are produced following further viewpoints requested in November 2016 by myself, these have also been passed through to Historic England who have already commented. In the comments received from Historic England, the impact of the turbine is assessed for the following heritage assets; Grade I Registered Park and Garden at Woburn (and the highly graded designated assets it contains), Grade II* Potsgrove Church, Eggington Conservation Area, Grade II Battlesden Registered Park and Garden, Grade I Battlesden Church, The Hoult Scheduled Ancient Monument and the more distant monuments at Totternhoe Castle and Maiden Bower.

In my view, and in accordance with the comments from Historic England and my previous comments from

November; the conclusions from the amended Cultural Heritage Assessment underplay the effect of the turbine's visual impact upon the significance of some of the historic assets. The Cultural Heritage Assessment established that there would be 'no harm' to; Battlesden Park, Eggington House, 'The Hault' moated site (SAM), Maiden Bower (SAM), Totternhoe Castle (SAM), Church of St Mary at Leighton Linlade, Church of Saint Peter at Milton Bryan, Woburn Conservation Area, Leighton Buzzard Conservation Area, Little Brickhill Conservation Area, Great Brickhill Conservation Area and Eggington Conservation Area. Only a 'negligible degree of harm' has been identified at Woburn Abbey (registered park and any assets within it) and Church of St Mary the Virgin at Potsgrove.

In the Historic England comments from November 2016 they note that 'the turbine would impose a notable feature onto the landscape, whose height and unfamiliar motion would juxtapose and intrude into one's experience of a number of designated heritage assets. It would mirror and add to the acknowledged adverse impact from the pre-existing Double Arches turbine'. Furthermore, in their January 2017 comments they stated that they 'would consider the proposed wind turbine to impact upon the setting of a number of designated heritage assets. It would erode and visually intrude into part of these settings which contribute to significance and it is our view that this would result in harm'. I concur with these comments in that the new wind turbine would visually intrude on the setting of various heritage assets impacting their significance and causing harm to their setting and significance.

In the comments from January 2017 received from Historic England, they conclude that they would 'accept that the harm caused by the turbine would be considered 'less than substantial' in the terminology of the NPPF; however the degree of harm within this scale would vary. We would consider there to be a low-moderate level of harm to the significance of assets such as Woburn Park, Potsgrove Church and The Hault scheduled monument, but a moderate-high level of harm to the significance of the grade I listed Church of Saint Peter and All Saints, Battlesden.'

I agree with the assessment from Historic England that the harm would be considered to be low-moderate for Woburn Park (this includes the whole park), the Hoult, Potsgrove Church and Eggington Conservation Area and a moderate-high level of harm to the significance of the Grade I Listed Church of Saint Peter and All Saints, Battlesden. It is my view that the proposed development would result in harm to the significance of a number of designated heritage assets, albeit, this harm has been considered to be less than substantial to the significance of the heritage assets and therefore, in accordance with paragraphs 132, 134 and 137 of the NPPF (2012), we must only approve the scheme in its current form if we are fully satisfied that there is justification for the harm; and that the harm is outweighed the by public benefits of the proposal; and that no alternative, less harmful, scheme can be delivered.

CONCLUSION

For the reasons stated above, the current proposal would have an impact on the setting of various heritage assets and would cause harm to their significance. I therefore raise an OBJECTION on the basis that the proposal would cause less than substantial harm to the significance of the heritage assets. The provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as supported by the aims of Section 12 of the NPPF should be used to assess if the less than substantial harm can be outweighed by public benefit and no alternative scheme can be delivered.

CBC Conservation
Officer (South Area)

I have previously objected *in principle* to the wind turbine now installed in the vicinity of the current application site (CB/10/03034/FULL), expressing considerable concern that through scale, appearance and operational movement, the installation would detrimentally impact upon the setting of a comprehensive range of individual heritage assets, and this impact will be cumulative across a considerable area of historic and natural landscape of significant value and acknowledged sensitivity.

The approved and established installation at Double Arches does at least provide a yardstick on which to test previous concerns and suppositions. In respect of this single installation, I have previously acknowledged the supposition that the magnitude of impact reduces with

distance, and this point has been proven in respect of compared impacts upon heritage assets close to, and at a distance from, the installation, as reflected in the assessments of impact and harm across the South and West Development Management Team areas in respect of the current application.

This point remains valid in consideration of the current application, although in this case impact will undoubtedly, in my view, be increased considerably through turbine *multiplication* – in some respects, the existing single turbine, as a ‘one-off’, has acquired some local distinction, as a landscape feature, particularly in respect of Conservation Area settings at Eggington and Sewell. I have previously confirmed that I consider the character of both Eggington and Sewell Conservation Areas to be significantly derived from landscape setting, a view underscored (in the case of Eggington) by the conclusions and assessment of factors of harm set out by Historic England in response to the current application (letter dated 8th November 2016, ref. P00511677). It is notable that Historic England concludes that the proposed development would adversely impact upon the *setting* of a number of highly graded designated heritage assets, and be harmful to the *significance* of a number of designated heritage assets – both key NPPF tests.

In comments on the current application, the Central Bedfordshire Landscape Officer makes an excellent point in raising the concern that turbine development will become dominant landmarks in the landscape, I share this concern, and consider turbine multiplication a significant issue in this respect.

I do note the Authority's commitment to renewable energy, and note the specific content of its Guidance Note (‘Wind energy development in Central Bedfordshire’, endorsed March 2013) in respect of local landscape turbine development capacity (Leighton Buzzard Area), specified in table 3, (p.31) and quoted verbatim by the Central Bedfordshire Landscape Officer as part of formal response to the current application.

There is, generally, some debate about the relative obtrusiveness of single turbine installations and ‘clusters’; as reflected in the classifications of development set out

in paragraph 9.6 and table 3 (p.31) of the guidance note. I find it notable that the categories of Low and Limited localised capacity are expressed as “challenging”, and should the current application progress to the next stage in the Planning process, I would specifically request discussion and clarification on this point, given the due weight that should be attached to this guidance note, and also the basis of my current objection.

To clarify this objection, with specific reference to the historic landscape setting of Eggington and Sewell Conservation Areas and the listed buildings associated with them (particularly in the case of the latter), along with the landscape setting of the significant, and enduring, local ‘landmark’ of the spire of All Saints Church, Leighton Buzzard, I consider an additional wind turbine will decisively change landscape character, through cumulative dominance, in a way that impacts adversely on the local historic environment, embedded as it is in the landscape. As such, I concur with the considered view of Historic England that the proposed development is intrinsically harmful. In terms of the Authority's own dedicated guidance note, I consequently question the specific *capacity* of this locality to acceptably absorb additional turbine development, and have requested further discussion and clarification on this point.

In raising this objection and this need of specific debate, and in specific respect of the identified heritage assets in the South Development Management area, I confirm that I consider the perceived level of harm to fall short of substantial. In accordance with paragraph 134 of the NPPF, I would ask that decision-makers are clear about a convincing justification for the proposed development, and clear that public benefit outweighs perceived harm, as outlined above.

CBC Archaeologist

The proposed development site is located within an area of 20th century quarrying (HER 11236) and immediately adjacent to Watling Street (HER 5508) a major long distance Roman road connecting London with the north west of the Roman Province. There is also evidence of Roman occupation from Double Arches Quarry to the west (HER 1170). These are heritage assets with archaeological interest as defined by the *National*

Planning Policy Framework (NPPF). The site is also within, or potentially within, the setting of a number of designated heritage assets (Scheduled Monuments and Registered Parks and Gardens):

- The Hoult medieval moated site and associated ridge and furrow earthworks (HER 37 and 3317, NHLE 1015584);
- Medieval Moat at Church Farm, Hockliffe (HER 10, NHLE 1012915)
- Medieval moated site and earthworks near St Peter's Church, Milton Bryan (HER 9998, NHLE 1009401);
- Totternhoe Knolls medieval motte and bailey castle (HER533, NHLE 1020772);
- Maiden Bower Iron Age Hillfort (HER 666, NHLE 1015593);
- Five Knolls Barrow Cemetery (HER 138, NHLE 1009892);
- Woburn Park Registered Park (HER 8762, NHLE 1000364);
- Battlesden Park Registered Park (HER 9427, NHLE 1000892).

The proposed development has the potential to have an impact on buried archaeological remains and on the setting of designated heritage assets. In both cases this could have a negative impact on the significance of the heritage assets.

The application includes a *Cultural Heritage Assessment* (Headland Archaeology 2016) which describes the archaeological and historical background, context and potential of the proposed development site and the contribution of the setting to the significance of the designated heritage assets.

Setting of Designated Heritage Assets

The *Cultural Heritage Assessment* only deals in detail with the impact on a selection of the designated heritage assets, a number of the others are dismissed as not requiring further consideration. Of the latter it is considered that there is limited or negligible visibility from the two medieval moated sites at Hockliffe and Milton Bryan, on which basis it is suggested that there will be no impact on the setting of the designated assets. Given the topographical location of the two sites this is a reasonable

conclusion.

Totternhoe Knolls and Maiden Bower, both located on the crest of the Chilterns scarp, are also only given limited consideration. Five Knolls, in a similar but slightly more distant location is not discussed at all in the *Assessment*. The main significance in Totternhoe Knolls and Maiden Bower are ascribed to their archaeological and historic interest. Although it is acknowledged that these sites are in prominent positions with views in all directions it is suggested that these views are over a modern landscape and make little contribution to the significance of the Monuments. I do not agree with this description of the contribution to the setting of these monuments. Maiden Bower and Totternhoe Knolls were both deliberately located in prominent topographical positions in order to dominate the surrounding landscape over a wide area, particularly to the north, in order to emphasise the power, importance and wealth of the owners and occupants. These views still substantially exist and although the landscape may be modern in character this does not detract from the extensive views from the sites and their dominant position which still make a major contribution to our understanding and appreciation of the nature and function of these monuments. Although constructed for different reasons, as funerary monuments, the Five Knolls also derive considerable significance from their prominent and highly visible location. Therefore, any adverse impact on the setting of these Scheduled Monument will have a negative impact on their significance. The *Assessment* acknowledges that the proposed new turbine will introduce a new feature into views from the Scheduled Monuments along the crest of the Chilterns scarp. It concludes that the impact of the new turbine, even when taken cumulatively with the existing turbine at Double Arches Quarry, will not substantially compromise our ability to understand and appreciate the character and significance of the three Scheduled Monuments along the Chilterns scarp. Although the new turbine will introduce a new element into the landscape and alter the setting of Maiden Bower, Totternhoe Knolls and Five Knolls with an increased cumulative impact on conjunction with the Double Arches turbine, the impact on the setting of these monuments will be relatively minimal and will not amount to substantial harm.

The Hoult medieval moated site is the closest Scheduled Monument to the proposed development site. The *Assessment* describes the moated site and its associated ridge and furrow as surviving as “faint earthworks”. This rather diminishes the condition of the monument which is, in fact a substantial, well preserved and well defined series of earthworks. The moated site was originally constructed within a rural, open field landscape as witnessed by the surviving ridge and furrow earthworks that surround it. Although not of the highest status, the moat was designed to emphasise the local importance and relative wealth of the owner. The significance of the rural setting of the Monument is acknowledged in the *Assessment* but it says that the present landscape is a post-medieval enclosure landscape different from the original open field setting of the moat. The current landscape around The Hoult is later in date than moat and is pasture rather than cultivated land but the open rural setting of the site still contributes to our understanding of the site and its broader relationship with the landscape. The proposed new turbine will be clearly visible from The Hoult and its relationship with the Double Arches turbine will increase the intrusion into the rural setting of the moated site. This is acknowledged in the *Assessment* but it is concluded that the additional turbine will not harm the significance of the Scheduled Monument. The proposed development will introduce a substantial new, modern element into the setting of The Hoult Scheduled Monument but it will not result in a major negative impact on the setting or the ability to understand and appreciate the Monument. It will not result in substantial harm to the designated heritage asset.

The two Registered Parks of Woburn Park and Battlesden Park are both associated with the Dukes of Bedford but of different scales. The *Assessment* describes both designed landscapes and notes that they are both inward looking and relatively enclosed, and that it is the internal relationships between features and vistas that are important rather than relationships with the surrounding landscape. At Battlesden there has been a significant degree of loss to the designed landscape though the main elements of the designed of it do survive. The *Assessment* states that the turbine would be peripherally visible from Woburn Park, though it does not

seem to have been possible to verify this on the ground, it is indicated that where the turbine is likely to be visible from the park it will be screened by existing woodland. The turbine will be visible from much of Battlesden Park, with an increased cumulative impact from the existing Double Arches turbine. In the case of both Woburn and Battlesden Parks the turbine will result in an impact on the setting of the designated landscapes and the greatest impact will be on Battlesden Park. However, even with the new turbine in place it will be possible to understand and appreciate the significance of the Registered Parks, and any impact will not amount to substantial harm to the significance of the designated heritage assets.

Overall the proposed new development will have an impact on the setting of the Scheduled Monuments and Registered Parks designated heritage assets, the impact will be increased because of the cumulative affect of the new turbine in relation to the existing Double Arches turbine. However, in all cases the impact of the proposed development on the setting of the designated heritage assets will not amount to substantial harm, therefore, I have no objection to this application on grounds of its impact on the setting of designated heritage assets.

Heritage Assets with Archaeological Interest

The *Cultural Heritage Assessment* notes that the proposed development site is located in an area of former sand quarrying dating to the 20th century. On the basis of archaeological investigations undertaken as a consequence of the construction of the Double Arches Quarry turbine it suggests that although quarrying will have destroyed or damaged archaeological deposits, there are also area of undisturbed natural areas within the quarry where archaeological deposits are likely to survive. The archaeological investigation on the access road to the Double Arches turbine identified surviving archaeological features on the southern edge of the proposed development site demonstrating that archaeological deposits can and do survive at this location. There is air photograph evidence that the location of the proposed turbine has not been quarried, increasing the likelihood that archaeological deposits do survive at the proposed development site. The *Assessment* concludes that the site has potential to contain undisturbed archaeological remains dating to the

Roman period. Given the proximity of Watling Street and Roman remains found in Double Arches quarry this is a reasonable conclusion.

Paragraph 141 of the NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012).

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the archaeological heritage assets. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development; the post-excavation analysis of any archive material generated and the publication of a report on the works. In order to secure this, please attach the following condition to any permission granted in respect of this application.

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

Reason: (1) In accordance with paragraph 141 of the *National Planning Policy Framework*; 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* that requires the recording and advancement of understanding of the significance of any heritage assets to be lost (wholly or in part)."

Archaeologist (additional comments)

On the basis of the new information and looking again at the air photographs showing the quarrying to the north it seems that most of the area that will be occupied by the proposed turbine has been subject to quarrying at one time or another. This ground disturbance means that it is unlikely that any substantive archaeological deposits will survive within the footprint of the turbine, works compound and crane base. Therefore, no archaeological investigation will be required as a consequence of this development and the archaeological condition I recommended be attached to any planning permission will not be required.

Natural England

Landscape advice

The proposed development is for a site within or close to a nationally designated landscape namely the Chilterns Area of Outstanding Natural Beauty (AONB). Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory

management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected Species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife,

such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF.

Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

CBC Landscape Officer

I have serious concerns regarding the proposals and visual impact on local and wider landscapes especially given wind turbines cannot be mitigated visually, it is important to note the proposed turbine is of an equivalent scale to the existing turbine at the adjoining Double Arches site - currently one of the tallest onshore turbines in the UK. I have also taken advice from the CBC Guidance Note 1 Wind Energy and have related back to the LVIA including visual studies.

Local context:

At a local, more immediate level, the application site sits within the sand pit setting east of Leighton Buzzard, a landscape that has undergone considerable change from minerals extraction. A number of local residential properties have direct, or at least partial views, to significant portions of the existing wind turbine at Double Arches including the movement of blades. The introduction of an additional turbine within the adjacent site to Double Arches will further visual disturbance especially due to movement of blades which potentially will not rotate in a uniform pattern of movement. The LVIA describes the sensitivity of residential receptors as of a lower sensitivity, which tends to be a level of evaluation for most development, but I suggest the sensitivity of residential views is heightened when views include all or part of tall structures that break horizons in views and introduce significant sweeps of movement for at least part of the day, week, year, and subsequent cumulative impact.

Landscape context:

The application site sits within the Toddington - Hockliffe Clay Hills landscape character area (LCA 8A), a rolling pastoral landscape of subtle ridges and vales rising to higher ground east of the A5 offering more expansive views across local and wider landscape areas. The Woburn Greensand Ridge (LCA 6A) forms an elevated, primarily wooded horizon to the east, north and west of the application site and surrounds. To the south, beyond the Eaton Bray Clay Vale (LCA 5A) the Totternhoe and Dunstable Downs chalk escarpments (LCA 9B, and 9A within the Chilterns AONB) form the highly distinctive elevated, terraced chalk landscape system typical to south Bedfordshire with elevated viewpoints looking north to the subtle ridge lines associated with the clay hills and Woburn Greensand Ridge forming the distinctive northern horizon.

The local landscapes host a number of heritage assets including the parkland estates at Woburn Park, Potsgrove, Battlesden, and Conservation Areas including Eggington, Heath & Reach and Tebworth. The Chilterns escarpments to the south include a series of historic sites at 5 Knolls, Maiden Bower and Totternhoe Knolls castle all located on the top of the chalk scarps to historically survey the surrounding landscapes, declare prominence and now form very popular vantage points for those accessing the countryside today. These historic sites are connected by a network of ancient routes and tracks along the escarpments which now form well used walks and rides. The Dunstable Downs and Visitor Centre attract thousands of visitors each year to enjoy in part the wide ranging views across the expansive landscapes and horizons to the north-west, north and north-east and including the application site.

The amenity value of the clay hills is also marked by the extensive network of footpaths which connect to the Greensand Ridge which offers increasing amenity value not only with Woburn Park but also the Rushmere Country Park. The 'Greensand Country Landscape Partnership' is also developing a landscape enhancement strategy for the Greensand Ridge with HLF backing, the proposals include conserving and promoting the areas' distinctive character including heritage assets and

access.

The existing single wind turbine at Double Arches forms a prominent man made feature in the landscape and is currently one of the tallest onshore turbines at over 140m to the tip of the blade, although part of the tower is set down within the Double Arches sand quarry. The turbine not only forms a highly distinctive built feature in local views but also in longer distance views and there is also the associated movement of the blades which, when operational, at least have a slower rhythmic pattern than turbines with shorter blades. Visual disturbance tends to be at closer proximity to the turbine. The structure is immediate in a number of local views from residential homes and local footpaths, or parts of the turbine are visible over brows of hills or tree tops which can be as visually disruptive in short, local views.

The existing Double Arches turbine is also visible from numbers of longer distance views and vantage points including the Chilterns escarpment and Chilterns AONB from Dunstable Downs and across to Ivinghoe Beacon and beyond into Buckinghamshire. The cumulative visual impact of turbine development from these landscape vantage points is increasing which raises concerns that turbine development will become dominant landmarks in the landscape rather than natural landscape features and horizons.

The Double Arches turbine forms a single feature in views, other existing wind development is of a distance with intervening landscape and topography reducing the occasions for intervisibility and subsequent visual cumulative impact but future wind developments within or beyond Central Bedfordshire could have significant cumulative visual impact. There is also a question over numbers of turbines - single turbines may be viewed as individual landmarks within landscape views but the capacity of landscapes, both locally and wider, to accommodate more turbines - either single or groups - is key.

Central Bedfordshire wind energy guidance:

The CBC Guidance Note 1 Wind Energy Development (2013) provides advice on areas the Council considers turbines to be unsuitable for this form of development and

capacity of other areas within CBC to accommodate varying scales of wind energy development in terms of landscape character, assets, tranquillity and proximity to communities. The guidance is based on 8 landscape areas across Central Bedfordshire; the application site is located within the area defined as the 'Leighton Buzzard Urban Fringe' extending to the A5 corridor. Sensitivity of landscape character for the Leighton Buzzard area is described in the guidance as ranging from moderate to moderate-high, with a small pocket of area of lower landscape sensitivity associated with the A5 at north Houghton Regis. Visual sensitivity for the Leighton Buzzard area including the application site ranges from moderate to high.

The CBC Wind Energy Guidance describes capacity of the Leighton Buzzard area to accommodate wind development based on turbines up to 120m overall height as:

Single Turbine - Moderate capacity (some ability to accommodate development at the above scale but key sensitivities may limit the number of schemes.
Cluster 1 - 3 turbines - Low capacity (could be challenging to locate turbines at this scale, more than one development may result in major adverse change in landscape character).

The CBC Wind Guidance also describes the higher sensitivity of landscape character and visual sensitivity of adjoining local landscape areas, particularly the more elevated areas associated with the Greensand Ridge and Clay Hills, and also the more distant Chilterns escarpments / Chilterns AONB and panoramic views across landscape towards Leighton Buzzard.

Conclusion:

Based on advice provided in the CBC Wind Guidance and given the existing turbine development at Double Arches, along with visual evidence provided in the LVIA, I assess if the proposed turbine development at Checkley Wood were to be progressed that the additional turbine should be identical in design to that of the existing Double Arches turbine to create more of a visual effect of a single cluster of development rather than 2 separate and different developments, and that the heights of nacelle /

blades be of a similar heights in views.

I also recommend that, if the development were to be progressed, a more detailed assessment of visual impact of the proposed turbine development on local residential properties be commissioned by the applicant and appropriate landscape mitigation, in keeping with local landscape and native planting and linked to wider landscape enhancement, be provided by the applicant off site if required by residents.

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| Trees & Landscape Officer | Would recommend a landscaping condition to replace/reinforce damaged or removed sections of hedgerow and to strengthen tree planting around the site perimeter. |
| Chilterns Conservation Board | No response. |
| Campaign to Protect Rural England (CPRE) (Original Comments) | Having studied the documentation submitted in connection with the above, CPRE Bedfordshire considers it must object to this application. |

We note, firstly, that the context in which the application is submitted is repeatedly referred to as completion of the original 2-turbine 'vision' for this vicinity. This assertion does not accord with the historical record. The existing Double Arches turbine was the subject of pre-application advice by your Council that one large 149m turbine was more likely to receive consent than the two smaller ones then envisioned by the applicant – advice which the applicant duly followed. In contrast, the present application would, if consented, result in two large 149m turbines being constructed in the area – an outcome which did not form part of either the applicant's or the Council's original vision at all.

Moreover, the turbine now proposed on the Checkley Wood site would be some 410m (1/4 of a mile) from that at Double Arches – producing a much greater 'spread' of visual impact than exists today, or than would have been the case under the original 2-turbine proposal. The site of the proposed turbine would also be much closer to the A5 trunk road than the Double Arches site. Thus, although this close physical proximity is stated as not in conflict with the DfT's advice relating to the Strategic

Road Network, we believe that there must be real concern as to the level of visual distraction it would create to drivers on that road.

Over and above these considerations, however, is the fact that the proposed site is in Green Belt. The **NPPF** defines it as a fundamental characteristic of Green Belts that they should remain 'open', but allows that a case of '*very special circumstances*' can potentially be made for a development that is in conflict with that characteristic. The NPPF then specifically makes it clear, at **Para. 91**, that elements of many renewable energy projects will represent inappropriate development in the Green Belt, and thus will require a case of very special circumstances to be made. Para. 91 also states that the wider environmental benefits of such a project may be one such very special circumstance.

In his **Planning Appraisal**, the applicant accepts that his proposed development is inappropriate to a Green Belt setting, but argues that the degree of harm caused to its openness would be small, and that there are sufficient very special circumstances to outweigh that level of harm. We strongly disagree with that proposition.

The very special circumstances put forward by the applicant are summarised at **Para. 6.20** of his Planning Appraisal. We reference them below, together with our comments on each.

VSC 1. 'The scale of the effect on the openness of the Green Belt is small'

We consider that the applicant consistently understates the effect of the proposal in terms of cumulative impact. Great play is made of the fact that, because one turbine is already there, a second one does not make much difference. This argument is patently flawed. As has already been pointed out, the 2 turbines would actually be ¼ mile apart, producing a much wider 'spread' of intrusiveness when seen from many longer distance viewpoints, and even more so when viewed from more localised ones, such as from the A5.

VSC 2. 'The amount of renewable electricity generation is considerable'

In a ***national*** context, the potential contribution to renewable electricity generation made by this single (albeit large) turbine can at best be described as 'marginal', and certainly insufficient in itself to overturn national policy on the protection of Green Belts. This includes the specific purpose of '*safeguarding the countryside from encroachment*' (***NPPF Para.80***). There can be little doubt that the encroachment represented by this proposal is far greater than just marginal.

VSC 3. 'The location of the proposal is on reclaimed quarry workings'

We do not see the past quarrying history of the site has any relevance. Mineral extraction is an appropriate use of Green Belt land (***NPPF Para. 90***), whereas erection of a 149m wind turbine is not. In any case, the site reverted to agricultural/meadow/woodland use some time ago (see applicant's ***Planning Documentation & Environmental Report***, Para. 23).

VSC 4. 'The proposal lies adjacent to an existing operational quarry'

Again, we can see no relevance in this argument. The operational quarry is an appropriate form of development within the Green Belt, whose ground-based activity has minimal impact on the openness of the Green Belt. The impact of the proposed 149m wind turbine on the openness of the Green Belt is in no way offset by the fact that there is a ground-level operational quarry alongside it.

VSC 5. 'The proposal is very close to the very busy A5 Trunk Road'

As with the argument that the proposal adjoins an operational quarry, this has no bearing on the turbine's impact on the existing level of openness of the Green Belt in the area. Moreover, as stated earlier, the turbine's proximity to the A5 should be seen as a hazard rather than a benefit.

VSC 6. 'The area is already characterised by the existing Double Arches wind turbine'

The characteristic of the area is **not** one defined by the Double Arches wind farm – the characteristic is the one favourably described in the **Landscape Character Assessment** for the area, into which the Double Arches wind turbine has incongruously intruded.

To summarise the position as we see it, the only ‘very special circumstance’ that has been put forward of relevance to this case is the contribution that would be made to renewable electricity production, and that is marginal anyway. The **NPPF, Para. 88**, stipulates that *‘very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations’*. We say that the harm caused by this proposal to the openness of the Green Belt, and to the landscape in general, is **not** ‘clearly outweighed by other considerations’, and that therefore the application must fail.

We note that the applicant's **Planning Appraisal** seeks to draw support for his proposal from the Council's **Technical Guidance Note on Wind Development in Central Bedfordshire** (TGN1). However, irrespective of the question of whether that document provides the level of support that is claimed, the Guidance Note makes plain that where Green Belt locations are involved, any proposal is still subject to a case of ‘very special circumstances’ being established, i.e. one that is sufficient to clearly outweigh the degree of harm caused. We repeat our view that in terms of harm to the Green Belt's openness, and other harm such as landscape and visual impact, a sufficient such case has not been made.

We would also point out that the applicant's concern to claim support for his proposal from TGN1 sits oddly with the assertion in his **Planning & Environmental Documentation Report, Para. 78**, that until such time as TGN1 has the status of Supplementary Planning Guidance in support of an adopted Local Plan, ‘limited weight’ can be attached to it.

Finally, we refer to the **Written Ministerial Statement** of 18th June 2015, where in relation to **Renewable and Low Carbon Energy Planning Policy Guidance** it was

advised that '*LPAs should only grant planning permission if the development is in an area identified as suitable for wind energy development in the Local or Neighbourhood Plan*'. The applicant suggests in his **Planning Appraisal** that, because no adopted Local or Neighbourhood Plan is currently in force for the area, the **NPPF** presumption in favour of sustainable development is engaged, requiring planning permission to be given unless the impacts of the proposal '*significantly and demonstrably*' outweigh the benefits (**NPPF Para. 14**).

The inference being put forward here by the applicant appears to be that, in the 'No Plan' scenario, the burden is on the LPA to establish sufficient 'significant and demonstrable' outweighing impacts, rather than on the applicant – in a Green Belt case - to establish a sufficient 'very special circumstances' case for an inappropriate development. We are confident that the Council will support us in our view that such an interpretation of the NPPF is wholly wrong, and that for Green Belt land it is the 'very special circumstances' test that prevails, and the burden is on the applicant to satisfy it – which in this case we submit he has conspicuously failed to do.

For all the above reasons, we urge that your Council refuses this application.

Campaign to Protect
Rural England (CPRE)
(Comments to Revised
Scheme)

We note the applicant's revision to the original specification of the proposed wind turbine, whereby the rotor diameter is confirmed at 87m, the hub height as 100m, and the maximum height at blade tip is reduced from 149.8m to 143.5m.

The fact that the rotor diameter is now proposed at the lower end of the previous 87m – 112.5m spectrum, and the maximum height at blade tip is reduced by 5.3m, is of little significant consequence in assessing the adverse impacts of this proposal on the Green Belt and the surrounding landscape. It remains a highly inappropriate development, inflicting further, cumulative, damage on the Green Belt's openness, for which the applicant has failed to put forward any sufficient case of 'very special circumstances' to justify the degree of harm caused.

Moreover, its location on the edge of the Woburn Greensand Ridge landscape area (Area 6A of the

Council's Landscape Character Assessment, January 2015) will inflict further, unacceptable, damage on the visual appearance of a landscape described at Para 6A.1.14 of that document as a '*Prominent landform creating a distinctive undeveloped skyline and horizon in the view from much of Bedfordshire*', and for which the Landscape Strategy is stated as '*To conserve and enhance*'.

Already, the existing turbine is a pronounced blot on the foreground of this landscape, in intrusive conflict with the above stated objective. It is also visible from distant viewpoints for miles around, not just within Bedfordshire but Buckinghamshire as well. In this respect, we particularly note the reference at Para. 6A.1.28 to the role of the Ridge as a backdrop to views from LCA Area 5C – the Salford/Aspley Clay Vale - and the adverse impact on those views that would arise from any development breaching the ridgeline. However, this is exactly what has already occurred in views of the Ridge from further west, where in the Buckinghamshire clay vale around Newton Longville the rotor blade of the existing turbine can be seen poking prominently above the Ridge horizon, to highly incongruous and detrimental visual effect.

To allow a second turbine of similar height in the location proposed will only serve to compound these damaging, insensitive, landscape impacts.

In conclusion, therefore, and for the reasons given in both our original and this subsequent letter, we maintain our strong objection to this application.

CBC Rights-of-Way
Officer

There are no recorded Public Rights of Way within the site area. Therefore I have no objection to the application.

The Ramblers
Association

The proposal affects the views from far too many Rights of Way. They include but are not restricted to Bridleway nos. 6, 7 and 15. The footpaths involved are nos. 1, 2, 4, 5, 6, 7, 8, 10 and 11. Whilst the Ramblers support alternative energy, we feel that this location is detrimental to users of the ROW and the surrounding countryside.

The Greensand Trust

No response.

CBC Ecologist

The Ecological report acknowledges the different habitat

types and species located in the area, of particular note are bats and birds and some species rich field margins in the immediate vicinity. Ecological surveys have not identified any predicted negative impact from the proposal but equally I have not found any reference to potential net gain to be achieved as a result of the development. The site lies within the Greensand Ridge Nature Improvement Area and as the NPPF calls for development to deliver a net gain for biodiversity I would seek to ensure that ecological enhancements, beyond mitigation, can be secured.

5.24 of the Ecological Report states that Hedgerow 5 is to be removed for access purposes but its replacement is recommended for mitigation. I understand that part of this hedge has already been removed but there do not appear to be any plans identifying the location of new planting. I would ask that any compensatory planting is undertaken away from the NE advisory 50m buffer for vegetation.

5.1.22 of the Bat report identifies principal foraging routes for bats in the hedgerows and scrub in the area and 10.2.2 goes on to say that the site and its environs are important for bat foraging. It is important that provision for enhancements does not encourage bats into harms way and so 10.5.1 refers to off-site enhancements which are welcomed. It concludes by saying the proposals are considered to be such to avoid significant adverse effects on local bat populations, including those in the high risk category.

The Bird report concludes that there will be no significant cumulative impacts on bird species in association with the Double Arches turbine, stating '...relatively few bird passes through the turbine area by target species....'.

The nearby Double Arches turbine has a monitoring scheme conditioned and I would expect that a similar scheme of post-implementation monitoring is also provided here to ensure predicted minimal effects on birds and bats are accurate. A suitably worded condition would be:

A Biodiversity Management Plan (BMP), to include details of bat and bird mortality monitoring and ecological enhancements, shall be submitted to and be approved in

writing by the local planning authority prior to the commencement of the development. The BMP shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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| Ecologist (Additional Comments) | No bat losses were reported but the number of records for high flying species is certainly of potential concern. Results of the first year of monitoring for the Double Arches turbine have been received which indicate an increase in bat activity in the area. Unfortunately the bat monitoring equipment at height failed for part of the year and consequently data on bat flight at height is not available. Other previous comments remain unchanged. |
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| Bedfordshire Bat Group | No response. |
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| Wildlife Trust | No response. |
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| RSPB | No response. |
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| British Horse Society | No response. |
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| Pollution Officer | I write further to discussions with both parties and following advice from MAS Environmental. |
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In summary, conditions have been agreed with both parties to deal with the aspects of amplitude modulation and the cumulative impact of turbine noise, both from that proposed and the existing Double Arches. These are considered satisfactory to deal with turbine noise in accordance with relevant guidance.

In the wider context further advice has been received from MAS environmental about the cumulative impact of turbine noise (both Checkley Wood and Double Arches) and road traffic and its potential impact on properties in the locality. At these locations the front of dwellings which face the road will be exposed to high levels of road traffic noise at certain times of the day. Prior to Double Arches wind turbine it is largely assumed that the rear of these properties were relatively sheltered from noise. Since Double Arches was constructed those sheltered areas

are at times exposed to more noise from the turbine and should Checkley Wood Wind Turbine be approved noise within those sheltered areas is predicted to be increased by at least an additional 4dB (approximately). Therefore where dwellings had a façade protected from noise there is now new sources of noise, that are cumulatively being added to by turbine noise over time. This represents a lack of respite from noise for the residents.

The latter wider issues of compliance with ETSU-R-97 limits and whether there will be an adverse impact has been discussed at length by MAS. It concerns the application of Government Planning Guidance and the requirement to mitigate and reduce noise to a minimum. The committee is made aware of this but I'd also advise that in terms of defending an appeal on such grounds, whilst it is a relevant consideration and planning guidance supports such, we are advised that this issue has been raised previously and not been given any weight by inspectors. It is therefore not considered a reason to refuse planning permission on its own.

I therefore recommend support of the application on the grounds that the agreed conditions pertaining to cumulative impact of turbine noise and AM are imposed.

MAS Environmental

There were several points that were raised regarding noise impact that remain a point of disagreement. I have reproduced these outstanding concerns below.

Whilst we have agreed noise conditions with the applicant this really only addresses our concerns with AM impact though it also deals with some concerns raised regarding cumulative impact and condition wording.

It is my understanding that the applicant considers that if ETSU-R-97 noise limits are complied with that there will be no adverse impact. However, we still have concerns that have been raised from the outset regarding the increase to noise impact caused by the proposed turbine. These are summarised below, though I note also that these are not new concerns and have been responded to by the applicant previously (see their response dated 18/10/2016), they remain an area of disagreement.

- There is limited margin between the predicted

noise levels and the noise limits.

- There is no evidence that noise from the proposed development has been mitigated and reduced to a minimum in accordance with Government planning guidance. Government planning guidance specifies a need to minimise and mitigate noise impact and to minimise increases in noise where residents are already exposed to high noise levels. Neither of these aims appears to be met by the proposed development.
- Recommended levels of noise at night time set by the World Health Organisation are likely to be exceeded due to combined road traffic and wind turbine noise.
- There is a predicted increase of 4dB in turbine noise at the rear of dwellings already impacted by road traffic noise at the front of the dwelling. This is a significant increase in impact for those already subjected to high levels of noise. The development increases noise levels in an environment already affected by road traffic noise and wind turbine noise and where noise levels at night time from cumulative wind turbine noise could be up to 10-15dB above the background sound environment absent wind turbine noise.

Ministry of Defence

I am writing to tell you that the MOD has no objection to the proposal.

In the interests of air safety, the MOD requests that the turbine is fitted with MoD accredited 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.

Defence Infrastructure Organisation Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence

interests.

If planning permission is granted we would like to be advised of the following;

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

If the application is altered in any way we must be consulted again as even the slightest change could unacceptably affect us.

National Air Traffic
Services

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal.

Civil Aviation Authority

There is currently a high demand for CAA comment on wind turbine applications which can exceed the capacity of the available resource to respond to requests within the timescales required by Local Planning Authorities. The CAA has no responsibilities for safeguarding sites other than its own property, and a consultation by a Council is taken as a request for clarification of procedural matters. Councils are reminded of their obligations to consult in accordance with ODPM/DfT Circular 1/2003 or Scottish Government Circular 2/2003, and in particular to consult with NATS and the Ministry of Defence as well as any aerodromes listed in Annex 3 of the above documents, taking note of appropriate guidance and policy documentation. Should the Council be minded to grant consent to an application despite an objection from one of the bodies listed in the circular, then the requisite notifications should be made.

Whilst the CAA recommends all aerodrome operators/license holders develop associated safeguarding maps and lodge such maps with local planning authorities, the CAA additionally encourages councils/planning authorities to undertake relevant consultation with known local aerodromes regardless of status, including local emergency service Air Support Units (e.g. Police Helicopter or Air Ambulance). Such units may operate in the area of concern and could be

affected by the introduction of tall obstacles. For example Police helicopters are permitted to operate down to 75 feet and will routinely follow main roads and motorways during their operations. Both the Police and Air Ambulance may need to land anywhere but will also have specifically designated landing sites.

In terms of charting, there is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or more to be charted on aeronautical charts*. Further guidance is provided below:

Structures with a maximum height of 300 ft. (91.4m) above ground level or higher. Such structures should be reported to the Defence Geographic Centre (DGC) which maintains the UK's database of tall structures (the Digital Vertical Obstruction File) at least 10 weeks prior to the start of construction. The point of contact is Nigel Whittle (0208 818 2702, mail to dvof@mod.uk). The DGC will require the accurate location of the turbines/meteorological masts, accurate maximum heights, the lighting status of the turbines and / or meteorological masts and the estimated start / end dates for construction together with the estimate of when the turbines are scheduled to be removed. In addition, the developer should also provide the maximum height of any construction equipment required to build the turbines. In order to ensure that aviation stakeholders are aware of the turbines and / or meteorological masts while aviation charts are in the process of being updated, developments should be notified through the means of a Notice to Airmen (NOTAM). To arrange an associated NOTAM, a developer should contact CAA Airspace Regulation (AROps@caa.co.uk / 0207 453 6599); providing the same information as required by the DGC at least 14 days prior to the start of construction.

Cumulative effects of turbines may lead to unacceptable impacts in certain geographic areas.

The Ministry of Defence will advise on all matters affecting military aviation.

London Luton Airport

The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with aerodrome safeguarding criteria. Accordingly,

| | |
|-----------------------------|---|
| | London Luton Airport Operations Ltd. has no safeguarding objection to the proposal. |
| London Gliding Club | No response. |
| Cranfield Airport | No response. |
| Highways England | No objections subject to conditions regarding access, a traffic management plan and a construction management plan. |
| CBC Highways Officer | No comment as access is to be taken from the A5 which is a Trunk Road and falls under the jurisdiction of the Highway Agency. |
| Network Rail | The Council should be aware that in addition to any planning consent, the applicant should have assessed, prior to submitting the planning application, whether or not the wind turbine(s) fall under the category of abnormal loads. An abnormal load is 44 tonnes and over and if the wind turbine weight is 44 tonnes and over then the applicant should have identified the route of the wind turbines to site and method of transport, and undertaken consultation with the relevant affected bodies (including the Highways Agency, Police and Network Rail) to determine the impact upon any structures on the route (including railway infrastructure). A survey should have been compiled and this should form part of the documentation submitted as part of the planning application. However, even if planning permission is granted, and should the proposal affect Network Rail structures on the route to site, then our Abnormal Loads team should have been contacted and our comments and concerns taken on board. Should we not be consulted we reserve the right as part of the highways consultation to refuse permission for the wind turbine to use our structures on their way to site. |
| CBC Minerals and Waste Team | The evidence submitted by AWE is sufficient to conclude that it is unlikely that there will be any unnecessary sterilisation of mineral resources as a result of the proposed wind turbine. |
| Luton Borough Council | No comments. |
| Milton Keynes Council | No objections. |

Aylesbury Vale District
Council.

No response.

Joint Radio Company

This proposal **cleared** with respect to radio link infrastructure operated by:

UK Power Networks and Southern Gas Networks

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, developers are advised to seek re-coordination prior to considering any design changes.

Met Office

No objections.

BBC Reception Advice

No response.

Spectrum Licensing on
behalf of Ofcom

No links found within the search area.

British
Telecommunications

No response.

| | |
|--|--------------|
| National Grid | No response. |
| Buckingham and River Ouzel Internal Drainage Board | No response. |
| Anglian Water Services | No response. |
| SuDS Management Team | No comments. |

Other Representations:

Cllr Budge Wells (Ward Member for Potsgrove, Milton Bryan and Battlesden)

I wish to state my objection to this application being approved, on behalf of my residents in Potsgrove, Battlesden and Milton Bryan.

My objections are:

- The proposed turbine is nearly 70% bigger than the existing one, which is only about 400m from this proposed one.
- The visual impact on my residents is already poor with the existing turbine, so the addition of the proposed larger one is totally unacceptable.
- The wind energy produced, benefits from significant consumer financed subsidies, without providing benefits to local people who have to suffer with the appalling blot on their landscape.
- Two of the largest land based turbines in England constitute an industrial development in the heart of Green Belt. Green Belt is supposed be protected from all but the most exceptional development. This is not one of those.
- Local wildlife and heritage assets will all be adversely affected. Two such large turbines so close together will inevitably affect birds in flight.

John Bercow - MP for Buckingham

I have been approached by constituents with respect to the above application with serious concerns as to the impact of the erection of a turbine in the area.

Although I have no statutory function in the planning process, I should like to reinforce the point that it is extremely important that the relevant committee - when it comes to deliberating on this particular application - gives

thorough consideration to the very real concerns of local residents likely to be impacted by the proposed development.

I will watch the progress of this application with interest.

Great Brickhill Parish
Council

We, Great Brickhill Parish Council are strongly opposed to the erection of a turbine at the Checkley Wood site as detailed in planning application (Ref: CB/16/01389/FULL).

The key points leading to our opposition of this scheme are as follows:

1. We feel the turbine is poorly sited, in close proximity to the existing turbine at the Double Arches Quarry. During the planning process for the Double Arches turbine, the developer submitted a report with the following conclusions as to why they were seeking the erection of one turbine and not two. Two of the key points from this report are;

a. that two turbines would be sited too closely thereby affecting their productivity and also increasing noise levels; and

b. that two turbines would have an unacceptable impact on the Heritage landscape and Heritage assets within the Zone of Visual Influence.

We absolutely agree with the above points submitted by the developer of the Double Arches turbine.

2. The area of the rotor will be ? larger than the existing Double Arches turbine leading to increased [detrimental] visual impact within the local area.

3. The local area is blessed with an outstanding bio-diversity, ecology and environment. Specifically, Kings Wood (SSI/NNR) is only 600m from the proposed development site. We are also privileged to have both Rushmere Park and Bakers Wood. Many of the resident species are afforded the highest degree of legal protection and we feel the introduction of another turbine will have a significant adverse impact on all of these assets.

4. The second turbine will, by the applicant's own admission, increase dramatically the level of noise

pollution for the local residents, we feel this is unacceptable.

We would therefore ask that the Central Beds Planning team refuse this application which, in our opinion, is seeking to over-develop an existing area without respecting the residents or local ecology.

Leighton-Linslade Town Council

Discussion took place regarding application reference CB/16/01389 (Land off A5 at Checkley Wood Farm, Watling Street, Hockliffe). It was agreed that whilst the Town Council supported renewable energy principles, it had reservations about the financial arguments that support wind turbine installation. In its opinion, the costs involved in its installation and commissioning outweighed the derived benefits, to the point where alternative renewables ought to be carefully considered.

Furthermore, whilst the structure per se was no taller than the existing, the proposed rotor blades were considerably larger when compared to the one in situ, to the point when visual amenity was put into question.

Pots Grove Parish Council

I have been asked to write to you by the meeting to object to the above planning application for a new wind turbine at Checkley Wood. The main reasons are given below:

- Two turbines of this massive size will constitute an industrial development in the heart of Green Belt land; the turbines will be only 410m apart. The developer has already admitted that this will compromise efficiency and power output together with increased noise levels. There will also be an unacceptable impact on the landscape.
- The area of the turbine rotor equates to a 67% increase in size, over and above the existing Double Arches turbine. It is truly massive on an industrial scale. Combined with the existing turbine, the rotors will occupy almost 1.6 hectares in the skyline.
- The proposal provides a significant departure from national wind energy developments across the country. There are examples of very large turbines or several smaller turbines, but nowhere do you find an industrial size installation of two such massive turbines only 800m from local communities.
- The wind energy industry continues to benefit from

significant consumer financed subsidies. We are not aware of any benefits provided to local residents.

- Local wildlife, recreational facilities and Heritage assets will all be adversely affected.
- Local house prices and the desirability of the area will be negatively impacted by the proposed development. Television reception will be further impaired.

We hope you will take these considerations into account and refuse planning permission for this development.

Soulbury Parish Council This application has been brought to the attention of the Parish Council by Heath and Reach Parish Council. The Council have not seen any documents, but have been made aware of the details of the application and also the grounds on which it is being opposed by Heath and Reach Parish and we understand other Parish Councils.

Soulbury Parish Council wish to support Heath and Reach and the other Parish Councils involved in their opposition to the application and fully agree with the grounds of opposition which have been put forward. There is a visual impact on Soulbury Village in that the existing turbine is clearly visible from certain points in the village and is an unwelcome blot on the skyline and the general view from the village. This proposal, if granted, would seriously add to the damage being done to the attractive nature of the landscape. It is the view of Soulbury Parish Council that a second industrial size wind turbine in this location is totally inappropriate at the proposed site and will be a blot on the landscape.

Stanbridge Parish
Council

Stanbridge Parish council **OBJECTS** to application CB/16/01389/FULL Land off A5 at Checkley Wood Farm, Watling Street, Hockliffe, Leighton Buzzard, LU7 9LG, for the following reasons:

The addition of a turbine of this size is in our view unwarranted and unnecessary given that the existing turbine is never used to full capacity and therefore an additional turbine of a larger size is just unacceptable for many reasons.

The speed and wind direction do not make commercial sense for placement of another turbine in this location, noted by the company themselves and therefore we must

assume the only reason for placement of another turbine in this location is not for the power output and requirement by national Grid but purely for financial gain due to the subsidies collected by the company.

A Turbine of a larger size will output at approx. 20% capacity, this is based on current capacity of the existing turbine which is at approx. 50%. They will be sited far too close to one another. Therefore Justification for another turbine based on this alone would appear illogical and unnecessary.

There is no financial gain or benefit to the local community, but suspect they would happily forgo these in favour of the removal and no subsequent turbines being installed.

The power used to turn the turbine on and off is a waste of resources causing a detrimental impact on power supply.

The impact on local residents with noise pollution and the addition of further flicker can not be deemed reasonable or regarded as favourable to mental health of the local community. Noise pollution is unacceptable. This cannot be ignored in favour of what will now be a commercial enterprise with financial gain to one company.

Previous Government policy stated that sufficient distance should be allowed between the turbines and any existing noise-sensitive development and emphasis should be on preventing sleep disturbance.

In addition, the Conservative Party 2015 Manifesto pledged to give “local people” a “final say” on wind farm applications. In a written ministerial statement on 18 June 2015 the Government announced that when determining planning applications for wind energy development local planning authorities should only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

We do not believe this to be the case for the above planning.

The NPPF makes clear that renewable energy development is not normally considered appropriate development for Green Belt land: 91. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. We fail to see what these very special circumstances would be.

Section 2.7 covers onshore wind. Key considerations for site selection are explained in detail and include: predicted wind speed, proximity of site to dwellings, capacity of a site, access, grid connection issues, biodiversity and geological conservation, historic environment impacts, landscape and visual impact, noise and vibration, shadow flicker and traffic and transport issues

The existing turbine is already seen for many miles and is regarded by the majority of people to be a blot on the landscape which spoils the openness of Green Belt. It can be seen from many historic and ancient beauty spots miles away, not least the Totterhoe Knolls and Dunstable Downs.

The impact on wildlife in the surrounding areas must also be taken into account and makes the disturbance for financial gain unjustified.

We would strongly urge the council to be mindful to the noise pollution and limits set, we believe a further turbine would be in breach of these and further cause harm to the natural beauty of the surrounding area.

Some reasons why planning has not been granted that have an alliance with why we should refuse planning here.

- A proposal for two wind turbines with a hub height of 24 metres close to a racecourse in Somerset was blocked partly due to the adverse effect on the horses. We have many farms in the area, what

- harm to these animals.
- A proposal for a turbine with a blade tip of 25 metres in Somerset was rejected because it would affect an air traffic control centre. Other refusals have related to air safety at an airfield.
- The Secretary of State refused planning permission for two wind turbines at a farm in Staffordshire stating that local concerns about the effects on the landscape and townscape quality had not been addressed.

Tilsworth Parish Council Tilsworth Parish Council OBJECTS to application CB/16/01389/FULL Land off A5 at Checkley Wood Farm, Watling Street, Hockliffe, Leighton Buzzard, LU7 9LG, for the following reasons:

The addition of a turbine of this size is in our view unwarranted and unnecessary given that the existing turbine is never used to full capacity and therefore an additional turbine of a larger size is just unacceptable for many reasons.

The speed and wind direction do not make commercial sense for placement of another turbine in this location, noted by the company themselves and therefore we must assume the only reason for placement of another turbine in this location is not for the power output and requirement by national Grid but purely for financial gain due to the subsidies collected by the company.

A turbine of a larger size will output at approx. 20% capacity, this is based on current capacity of the existing turbine which is at approx. 50%. They will be sited far too close to one another. Therefore justification for another turbine based on this alone would appear illogical and unnecessary.

There is no financial gain or benefit to the local community, but suspect they would happily forgo these in favour of the removal and no subsequent turbines being installed.

The power used to turn the turbine on and off is a waste of resources causing a detrimental impact on power supply.

The impact on local residents with noise pollution and the

addition of further flicker can not be deemed reasonable or regarded as favourable to mental health of the local community. Noise pollution is unacceptable. This cannot be ignored in favour of what will now be a commercial enterprise with financial gain to one company.

Previous Government policy stated that sufficient distance should be allowed between the turbines and any existing noise-sensitive development and emphasis should be on preventing sleep disturbance.

In addition, the Conservative Party 2015 Manifesto pledged to give "local people" a "final say" on wind farm applications. In a written ministerial statement on 18 June 2015 the Government announced that when determining planning applications for wind energy development local planning authorities should only grant planning permission if:

- o the development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan; and
- o following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

We do not believe this to be the case for the above planning.

The NPPF makes clear that renewable energy development is not normally considered appropriate development for green belt land: 91. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. We fail to see what these very special circumstances would be.

Section 2.7 covers onshore wind. Key considerations for site selection are explained in detail and include: predicted wind speed, proximity of site to dwellings, capacity of a site, access, grid connection issues, biodiversity and geological conservation, historic environment impacts,

landscape and visual impact, noise and vibration, shadow flicker and traffic and transport issues

The existing turbine is already seen for many miles and regarded by the majority of people to be a blot on the landscape which spoils the openness of Green Belt. It can be seen from many historic and ancient beauty spots miles away, not least the Totterhoe Knolls and Dunstable Downs.

The impact on wildlife in the surrounding areas must also be taken into account and makes the disturbance for financial gain unjustified.

We would strongly urge the council to be mindful to the noise pollution and limits set, we believe a further turbine would be in breach of these and further cause harm to the natural beauty of the surrounding area.

Some reasons why planning has not been granted that have an alliance with why we should refuse planning here.

- A proposal for two wind turbines with a hub height of 24 metres close to a racecourse in Somerset was blocked partly due to the adverse effect on the horses. We have many farms in the area, what harm to these animals.
- A proposal for a turbine with a blade tip of 25 metres in Somerset was rejected because it would affect an air traffic control centre. Other refusals have related to air safety at an airfield.
- The Secretary of State refused planning permission for two wind turbines at a farm in Staffordshire stating that local concerns about the effects on the landscape and townscape quality had not been addressed.

Toddington Parish
Council

On behalf of Toddington Parish Council, please could you take the following **Objection** comments into consideration when making your decision.

If the new turbine was to go ahead the two turbines would be sited too closely thereby affecting their productivity and also increasing noise levels; and 2. the two turbines would have an unacceptable impact on the Heritage landscape and Heritage assets within the Zone of Visual Influence.

The siting of the proposed Checkley Wood Turbine is only

410m from the Double Arches turbine. Having the turbines so close together will stop the efficiency as due to the shadows that will be caused and noise there will be huge number of days that they will have to close.

Two wind turbines 150m high and with a maximum rotor diameter of 112.5m will represent an unprecedented visual intrusion in the area with major adverse impacts up to at least 10km and beyond. Vitally, the proposed development is out of line with existing wind energy developments. Installations comprise of either single, very large turbines or several smaller turbines. The proposed development of two massive turbines creates an industrial zone within the Green Belt only hundreds of metres from adjacent communities, Heritage assets and Nationally important Nature Reserves. Such an industrialisation of the Green Belt has a significant adverse impact on ALL of them.

The local area is blessed with an outstanding bio-diversity, ecology and environment. Specifically, Kings Wood (SSSI/NNR) is only 900m from the proposed development site. We are also privileged to have both Rushmere Park, Kings Wood and The Greensand Ridge. These sites are homes to species such as the threatened Barbastelle Bat, Red Kites (2016 may have seen the introduction of a mating pair for the first time), Buzzards, Badgers, Herons (Heronry in Rushmere Park) and Great Crested Newts to name but a few. Many of these species are afforded the highest degree of legal protection. The introduction of an industrial zone of this magnitude will have a significant adverse impact on all of these assets.

Woburn Parish Council

Woburn Parish Council is writing to object to the proposed development.

Our principal objections are:-

- The current application refers to the existing wind turbine erected by AWE Renewables (“AWE”) in December 2014 at Double Arches Quarry. In that application (CB/10/03034), the Environmental Statement looked at “the consideration of alternatives”. The report said that although consideration was given to two turbines, it was decided that due to a number of constraints, a single turbine was the most appropriate option.

The reasons being that :-

- ◆ the two turbines would be sited too closely thereby affecting their productivity and also increasing noise levels; and
- ◆ the two turbines would have an unacceptable impact on the Heritage landscape and Heritage assets within the Zone of Visual Influence.

The siting of the proposed Checkley Wood Turbine is only 410m from the Double Arches turbine.

There is no reason why the earlier arguments put forward by AWE are no less relevant today than they were in 2010.

- AWE states that the Checkley Wood turbine will be “of a similar size to the existing Double Arches turbine”. We understand that the area of the rotor will be $\frac{2}{3}$ or 67% larger than the existing Double Arches turbine and in total the rotors will occupy almost 4 acres of space in the visual skyline. This will have an adverse impact on the zone of visual influence on the landscape character.
- Turbine wake separation is an important element to consider in the siting of wind turbines. The recommended distances are 6 diameters downwind and 4 diameters perpendicular. At a diagonal separation of 410m, neither of these metrics is achieved. The proposed siting of the Checkley Wood turbine is far too close to the existing Double Arches turbine thereby reducing the amount of energy produced whilst increasing the noise pollution and other negative impacts on landscape character and heritage assets.
- Two wind turbines 150m high and with a maximum rotor diameter of 112.5m will represent an unprecedented visual intrusion in the area with major adverse impacts up to at least 10km and beyond. The proposed development of 2 massive turbines creates an industrial zone within the Green Belt only hundreds of metres from adjacent communities, heritage assets and nationally important nature reserves.
- The local area is blessed with an outstanding bio-diversity, ecology and environment. Specifically,

Kings Wood (SSI/NNR) is only 600m from the proposed development site. We are also privileged to have both Rushmere Park and Bakers Wood. These sites are homes to species such as the threatened Barbastelle Bat, Red Kites (2016 has seen the introduction of a mating pair for the first time), Buzzards, Badgers, Herons (Heronry in Rushmere Park) and Great Crested Newts to name but a few. Many of these species are afforded the highest degree of legal protection. The introduction of an industrial zone of this magnitude will have a significant adverse impact on all of these assets.

- Three communities are so badly affected by the sighting of the proposed turbine that properties within them will fail “the Lavender Test”. The communities are Potsgrove, Overend Green and Sandhouse Lane.
- ETSU-R-97, the standard for the assessment of wind farm noise is now seriously out-of-date. By the applicant's own admission, the siting of 2 turbines so close together will create unacceptable levels of noise pollution.
- The creation of this massive industrial zone within the Green Belt, only hundreds of metres from local communities would be negligent to both public safety and public health.
- AWE owns considerable areas of land in this locality, including Checkley Wood Farm, but has provided no evidence that it has considered locating the turbine elsewhere. Nor has it given any indication that it has considered other forms of renewable energy, solar panels for example.

Richard Buxton
Environmental & Public
Law on behalf of the
Bedford Estates at
Woburn (summarised)

The purpose of this letter is to point out an obvious failure of process relating to environmental impact assessment (EIA).

As you are aware, certain development requires EIA. The benchmark as to whether EIA is required, or not, is whether the development is likely to have “significant” environmental effects. That is a relatively low threshold; the question is whether there is any “serious possibility” of

such effects. It strikes us as perfectly plain that significant environmental effects here are likely.

We have reviewed the screening opinion dated 25.3.15.

The first error is that it deals with paragraph 3(a) of Schedule 2 to the Regulations. While projects can fall into more than one category, the relevant category here is paragraph 3(i) namely "Installations for the harnessing of wind power for energy production (wind farms" and involving situations where "the hub height of any turbine exceeds 15m". There is no question that this proposed wind farm is definitely covered and could not be excluded on a thresholds basis.

The screening opinion goes on to deal with the considerations set out in Schedule 3 of the Regulations. Four matters lead us to conclude that the Council's screening opinion is unlawful.

Firstly, the planning appraisal accompanying the application states that there would be "some significant effects on landscape character". This of itself is sufficient to trigger the requirement for EIA: significant effects are identified. We note also the same document indicates in sections for noise and cultural heritage that there would not be significant effects subject to suitable conditions. We appreciate that it is legally controversial whether mitigation measures may be taken into account in deciding not to have EIA but the nature of the harm identified under these heads is such that that is can be hardly be right that the public should not be afforded the rights guaranteed by the directive in respect of these matters too.

Secondly, this is an unusual situation where the present application follows an earlier proposal, now implemented, for the Double Arches wind turbine. That proposal was originally for two turbines (including the present proposal, as we understand it) and an environmental statement was submitted in respect of it. It is said in the current screening opinion that "this was not requested by the Council". However it is plain from reviewing the scoping opinion from 2008 that the then planning authority considered that various issues were of "environmental significance". There was no demur that EIA was required;

indeed it is clear that the scoping opinion refers to various issues in terms to the effect that assessment would be required. Furthermore officers recommended refusal in strong terms essentially dealing with environmental impact on landscape and heritage assets and other factors, including Green Belt. It is wrong to suggest, as the present screening opinion does, that the fact that the EIA in 2008 was produced on a voluntary basis means that this has no bearing now.

Thirdly there is the approach towards cumulative impact. Clearly the two turbines are in fact part of one project. This is stated in the “application documentation and environmental report” in relation this application – that the developer “originally designed the Double Arches site for two turbines back in 2010, and is now seeking to complete its original vision”. In consideration of cumulative impact it is sometimes argued that one should consider the impact from the existing baseline. In this case the present screening opinion suggests that is the Double Arches turbine. Even then the screening opinion does not give any reasons for its conclusion that because this is the only accumulation “the development would not therefore result in a significant cumulative impact”. Anyway it simply cannot follow that if EIA took place in 2008 that the impact somehow becomes insignificant because it was part built then and a new application is being made now. This is contrary to EU guidance “Guidelines for the Assessment of Indirect and Cumulative Impacts”. Plainly the question of cumulative impact is something to be considered from the development in the round and not just the incremental impact of e.g. one more turbine. The question here to be addressed is what the cumulative impact of two turbines of the landscape (etc) is, and for the decision maker to decide whether that is acceptable or not. The question is not whether an additional turbine is acceptable or not. If the directive has intended to refer to incremental rather than cumulative impact, it would have done so.

Fourth, while we would rather not get into the details of the reasoning of the screening opinion, it is hard not to observe that, under the heading “Location of the development” and proximity to sensitive areas including those of historic or cultural significance, it must be a serious omission to ignore our clients’ property at Woburn, and Battlesden Park, which were acknowledged in 2008

as affected.

Please note that we have not conducted a full review of all the papers that we note have been submitted in connection with this project, but the volume of them tends to reinforce the point that there are many important environmental issues arising from this project and that our clients and other members of the public should be afforded by the protection that the law provides in this respect.

We trust the above will be sufficient to satisfy you that it would be unlawful for this matter to proceed without EIA.

Savills (on behalf of residents of Battlesden and the Bedford Estates – 12.07.2017)

We are writing on behalf of the residents of Battlesden and the Bedford Estates to express their concerns about the above planning application and the recommendation at Planning Officer level to approve.

This is a very controversial application, as can be evidenced by the plethora of objections from a large range of public and local organisations. Thus, it is clearly vitally important to consider the potential effects of the turbines erection on the local environment, rather than being swayed by the perceived benefits of renewable energy production nationally.

This is a **local** issue which effects a substantial number of local people, the surrounding countryside and landscape and nationally recognised heritage assets within a wide area.

Fortuitously, the Council produced in 2013, a “Guidance Note – Wind Energy Development in Central Bedfordshire”, and we consider the contents of that paper, together with existing and the envisaged future policies in the Local Plan should apply and take precedence, rather than a much more remote policy, in the National Planning Policy Framework document (NPPF).

Guidance Note – Wind Energy Development in Central Bedfordshire

We think the following extracts of the guidance note have

significant relevance:-

Paragraph 2.12

This paragraph states that the national planning practice guidance (NPPF and Planning Practice Guidance for Renewable and Low Carbon Energy) does not automatically override the environmental protection and the planning concerns of the local communities. Planning decisions should take into account the cumulative impact of wind turbines and properly reflect the increased impact on the landscape and local amenity.

Paragraph 6.7

This paragraph deals with the likely magnitude of impact, as perceived over distance.

Within 500m of a turbine, the magnitude of impact is dominant, the turbine forming a principal feature in view and its presence and movement can be overwhelming.

Within 500m to 2km, the magnitude of impact is prominent, with the turbine forming a very large part of the view with a commanding element of it being seen.

Battlesden Church, a Grade I Listed building is within this boundary, as are both Battlesden and Woburn Registered Parks, all are key heritage assets.

The impact of the turbine will destroy the vistas of these nationally recognised sites from the majority of vantage points in the area, and concerns of the effect of the turbine on these national heritage assets has been raised by Historic England and your own Conservation Officers, to which we refer later.

Paragraph 7.4

This paragraphs deals with cumulative impact and states that in Central Bedfordshire, only an **exceptional** site would allow a second installation of a medium or large wind farm without the risk of excessive cumulative impact

occurring.

Nowhere in the Planning Officer's summary recommendation of approval does it state that this site is an exceptional one, and thus in its absence, we can presume that it is not.

Paragraph 7.11

This states that the extremely tall (149m) turbine permitted at Double Arches Quarry dominates the local countryside and raises the issue of future visual conflict, if other wind turbines are installed within a 10km radius. This proposal is within 500m of that site.

Map 3 – page 28

This states that the site of the proposed wind turbine is in an area of moderate sensitivity of landscape character, but is surrounded virtually on all sides and is in close proximity to areas of high sensitivity of landscape character.

Paragraph 10 - Conclusions

- Paragraph 10.3 states that landscape character in Central Bedfordshire and the land form creates a greater sensitivity than the judgements on landscape character alone might suggest, which if not managed carefully, could give rise to the prospect of certain areas being subject to disproportionate development. We think this will occur if consent is given.
- Paragraph 10.6 states that the cumulative impact of a series of a single turbines is considered to be of a greater consequence than a single medium sized farm of 3 – 5 turbines. In Central Bedfordshire, only an exceptional site would allow a second installation without serious threat of an overwhelming cumulative impact. We refer to our above comments, and to the lack of this site being identified as exceptional.
- Paragraph 10.7. It is the Council's view that the Central Bedfordshire countryside is too populated, complex and varied in its landform to successfully

accommodate more than one medium or large farm, within a 10km of another in a rural setting. This points to the application site being an inappropriate location.

Paragraph 12 – Other Policy Considerations

The proposed site of the wind turbine is in the Green Belt.

- Paragraph 12.3 sets out that the then Emerging Development Strategy Policy 36 outlines the general presumption against inappropriate development in the Greenbelt, and that very special circumstances will need to be demonstrated, if turbines and their associated infrastructure are proposed within an area of Green Belt. Nowhere in the Officer's recommendation can we see where these very special circumstances have been justified, or even acknowledged.

All that the Officer's recommendation concentrates upon is the national policy in respect of the site's location in the Green Belt (Section 9 of the NPPF).

- Paragraph 12.6 the Historic Environment – Heritage and Archaeology

This paragraph reinforces the role of the Council to “protect, enhance and conserve” the heritage assets in the area. By allowing this application, we believe the Council would be doing exactly the reverse.

- Paragraph 12.8 states that heritage assets and the historic environment generally are, in terms of the NPPF and local planning policies, an important consideration in weighing the presumption in favour of sustainable development against adverse impacts on the existence of heritage assets and the historic environment. This turbine is in close proximity to several heritage assets of Grade I importance and its proposed scale, in our opinion, would have a substantial harmful effect on their setting and future enjoyment.

The scale and permanence of the turbine will have lasting effects on key heritage assets and Historic England in their comments point out that the proposed development will result in harm to a significant number of designated heritage assets. It should be noted that there are 378 heritage assets within a 5km radius, including Registered parks, Grade I Listed buildings and scheduled ancient monuments. Indeed, the Conservation Officer for the Western Area of CBC, has objected on the basis that the proposal will cause substantial harm to significant heritage assets and a similar opinion has been given by the Conservation Officer of CBC's Southern Area.

Surely these considered opinions from key experts, including CBC's own staff, cannot be ignored.

Central Bedfordshire Draft Local Plan

The determination of the application falls within the same month of the publication of the new Draft Local Plan and we are conscious that an immense amount of work and thought has been put into this document by the Council and its officers, over a prolonged period and thus, we consider its contents to be relevant to the application even though it is not currently formally adopted, given the beginning of that process has just begun.

It clearly shows the direction of travel in relation to current planning policy at CBC and we would expect that the majority of policies would remain in the final approved document.

Paragraph 9.5 and draft Policy SP3 confirms that planning permission for inappropriate development will only be granted where demonstrably very special circumstances, which would outweigh the harm to the Greenbelt, can be demonstrated. In our opinion, those very special circumstances have not been set out by the Planning Officer in their recommendation.

Paragraph 17.3 relating to large scale renewable energy reconfirms the importance of the Council's own technical guidance notes on renewable energy referred to above,

rather than purely any fallback position under the NPPF.

The arising draft Policy CC2 sets out that the Council will require renewable energy developments to be located and designed so as to have NO unacceptable adverse impact on heritage assets, sensitive landscapes and town landscapes.

The opinions of Heritage England and the Council's Conservation Officers clearly raise concerns about adverse impact on the heritage assets, therefore clearly this application does not pass this straightforward test.

Officer's Report

There are a significant number of comments in the report with which we disagree, but one reference in isolation, we believe is misleading.

In paragraph 4.15, they refer as part of the comments relating to landscape character, to the conclusions of the CBC guidance note, but include reference to only two of the ten paragraphs, omitting those which are clearly not supportive of this application. We consider that the well drafted conclusions of the guidance note should be read in their entirety and, as a consequence, we attach a copy.

It is important to acknowledge that renewable energy has an important contribution to the energy needs of the country, however, by the application of the Council's own Policy Guidance Notes and policies in determining what is a local not a national issue, in our opinion, the application is inappropriate and will cause substantial harm to a number of valuable heritage assets and spoil an important landscape.

For these reasons, we would ask you to refuse the application.

Savills (on behalf of
residents of Battlesden
and the Bedford Estates
– 17.08.2017)

I am writing further to our conversation concerning the
wind turbine at Checkley Wood Farm and in particular, the
application of the Council's own guidance note on Wind

Energy Development in Central Bedfordshire.

It is clear, that the proposed turbine's impact on the landscape is a critical planning issue in considering whether to grant consent or refuse.

As described, I have looked through the guidance notes in some detail and in particular, the landscape sensitivity analysis undertaken concentrating on the designated area within which the application site is situated and the relevant comments.

In the report to the Committee, under paragraph 4.13, your report states that it is difficult to know quite how to apply the guidance, in particular, whether to apply the criteria for a single turbine, or the criteria for a cluster of turbines which could be considered in a cumulative way, with the existing Double Arches turbine.

I think the application is relatively straightforward in that I believe one has to consider the landscape and what is there at the date of any application. Thus, when considering the criteria in the context of this application, the existence of the Double Arches wind turbine has to be taken into account.

My interpretation of the guidance note is as follows:-

- The site is clearly in the landscape character area referred to as the Leighton Buzzard Fringe.
- The sensitivity appraisal reflected turbines with a height of 90m-120m. This is lower than the proposed subject turbine, by up to 59%.
- The appraisal sought to assess the impact of additional turbines against certain qualities to determine the appropriateness of the landscape, to accept a wind energy development of a given scale.
- Paragraph 9 of the guidance, refers to an overall assessment based on landscape sensitivity and refers to the capacity of a given landscapes to absorb wind turbine developments at different scales:-

Single turbine

Cluster of 1-3 turbines

Medium scale wind farm e.g. 3-6 turbines

Large scale wind farm e.g. 7-11 turbines

The height of all these turbines at 120m, is lower than the subject application, by at least 19%.

- The table set out on page 31 clearly demonstrates that there is a **low** capacity for the landscape in the Leighton Buzzard area to absorb a cluster of between 1-3 turbines.

Low in this context is stated as “*could be challenging to locate turbines at this scale, more than one development of any scale may result in major adverse change to the landscape character, or cause an unacceptable decline in landscape value.*”

In essence, adding this turbine into the existing landscape clearly produces one where two turbines exist, and thus by applying your guidance, there may well be a major adverse change to the landscape character, or cause an unacceptable decline in landscape value.

- Further detail is provided in Appendix 2 which sets out the sensitivity analysis table in more detail.

Taking the appropriate scale of development of a cluster of turbines between 1-3 for Leighton Buzzard Rural Fringe, the following comments are made:-

| | |
|------------------|--|
| Scale | Low potential would need to form positive feature associated with growth or trunk roads and of low height. |
| Land form | Need to be sited to avoid conflict with the Greensand and small scale |

| | |
|----------------------------|---|
| | of the Ouzel and Clipstone Valleys. |
| Land cover | Low potential would need to ensure farm does not conflict with traditional riverside landscapes, parkland or woodland blocks. |
| Enclosure | Low potential to integrate a cluster without conflict with enclosure pattern. |
| Skyline | Cluster of turbines has limited scope in terms of conflict with Greensand skylines. Concern re cumulative impact with large turbine at Double Arches. |
| Development Nuclear | Important to conserve integrity of historic villages. May be possible where linked to growth. |

I don't think it is accurate to describe the turbine's height at low, it would be one of the largest in the UK, if built.

This site is clearly in close proximity to the landscape area of the Greensand Ridge and would be visible from a multitude of sites within it.

The reference to skyline explicitly sets out a concern about the cumulative impact with the large turbine at Double Arches.

Thus, we consider that the proper application of the council's guidance note raises major issues on landscape grounds for this application, and the relevant area clearly has a low capacity to absorb a cluster of wind turbines at this scale.

Stop Checkley Wood
Turbine Action Group
(SCWT)

Received template
emails supporting the
SCWT document as
follows:

The full objection document is attached as an appendix. Also attached as an appendix is the response of the applicant. The Executive Summary is reproduced in full as follows:

EXECUTIVE SUMMARY

This Executive Summary and the full Rebuttal Document are presented to the Development Management

177 from Heath and Reach, 207 from Leighton Buzzard, 38 from Great Brickhill, 22 from Soulbury, 19 from Hockliffe, 15 from Potsgrove, 13 from Eggington, 12 from Woburn, 9 from Little Brickhill, 9 from Tilsworth, 8 from Woburn Sands, 7 from Battlesden, 6 from Eaton Bray, 6 from Milton Bryan, 5 from Eversholt, 3 from Stanbridge, 3 from Stoke Hammond, 2 from Overend, 2 from Bragenham, 2 from Wing, 1 from Aspley Heath, 1 from Barton-Le-Clay, 1 from Eddlesborough, 1 from Harlington, 1 from Stockgrove, 5 from Milton Keynes, 3 from Darlington and 1 from Selby (Yorkshire)
(Total of 576)

Committee of Central Bedfordshire Council by the Stop Checkley Wood Turbine ("SCWT") Action Group. SCWT has been formed by the coming together of local residents through the Parish Council network in opposition to the proposed development (Application Ref: CB/16/01389/FULL).

SCWT has the support of the Parishes of Heath and Reach, Potsgrove, Aspley and Woburn, Great Brickhill, Hockliffe, Soulbury and Toddington who will have separately written to you airing their objections. SCWT has a clear mandate on behalf of the vast majority of local residents, who expressed a view, to oppose this development on their behalf.

SCWT submits to you the Rebuttal Document which shows just how inappropriate a proposal this is. This Executive Summary is no substitute for a full reading of the Rebuttal Document and the array of evidence it contains, but does provide an effective summary of the key points in support of the clear argument that the dis-benefits of this application far and away exceed the benefits.

This is not about the pros and cons of renewable energy, this is about why now? and why here? The answers to both have nothing to do with renewable energy, carbon footprints or sustainability; the answers are, quite simply, about commercial gain.

The principal arguments in support of the rebuttal are:-

- The current Application makes reference to the existing wind turbine erected by AWE Renewables ("AWE") in December 2014 at Double Arches Quarry. In the Application for the first turbine (CB/10/03034), the Environmental Statement deals with "the consideration of alternatives". The report explains that consideration was given to two turbines, but concluded that as a result of various constraints, a single turbine was the most appropriate option. The considerations were:-
 - the two turbines would be sited too closely thereby affecting their productivity and also increasing noise levels; and
 - the two turbines would have an unacceptable impact on the Heritage landscape and Heritage

assets within the Zone of Visual Influence.

We absolutely agree with the above conclusions. The siting of the proposed Checkley Wood Turbine is only 410m from the Double Arches turbine. As we clearly demonstrate, the above arguments put forward by AWE are no less relevant today than they were in 2010.

- Hugh McNeal, CEO Renewable UK, was recently quoted as stating *“we are almost certainly not talking about the possibility of new plants in England. The project economics wouldn't work; the wind speeds don't allow for it”*. This is not a surprising statement given the cubic relationship between wind speeds and power output. The turbine manufacturer (Vensys) quotes potential output at wind speeds of 13m/s and above, whereas the average wind speed according to the Applicant, at the Checkley Wood site, is 6.9m/s. The impact of this is to reduce potential power production by approximately 80% or to put it another way, there is an opportunity cost of selecting a sub-optimal site equivalent to providing power to 8,400 households annually.
- Two wind turbines 150m high and with a maximum rotor diameter of 112.5m will represent an unprecedented visual intrusion in the area with major adverse impacts up to at least 10km and beyond. Vitally, the proposed development is out of line with existing wind energy developments. Installations comprise of either single, very large turbines or several smaller turbines. The proposed development of two massive turbines creates an industrial zone within the Green Belt only hundreds of metres from adjacent communities, Heritage assets and Nationally important Nature Reserves. Such an industrialisation of the Green Belt has a significant adverse impact on ALL of them.
- The local area is blessed with an outstanding bio-diversity, ecology and environment. Specifically, Kings Wood (SSSI/NNR) is only 900m from the proposed development site. We are also privileged to have both Rushmere Park, Kings Wood and The Greensand Ridge. These sites are homes to species such as the threatened Barbastelle Bat, Red Kites (2016 may have

seen the introduction of a mating pair for the first time), Buzzards, Badgers, Herons (Heronry in Rushmere Park) and Great Crested Newts to name but a few. Many of these species are afforded the highest degree of legal protection. The introduction of an industrial zone of this magnitude will have a significant adverse impact on all of these assets.

- Three communities are so badly affected by the sighting of the proposed turbine that properties within them will fail “the Lavender Test”. The communities are Potsgrove, Overend Green and Sandhouse Lane. We hereby formally request that the Planning Committee attend these sites to witness the impact for themselves in order to fully appreciate the devastating impact of the proposal. We have supplied addresses where we invite members of the Development Management Committee, Councillors, Officers and representatives of the Applicant to attend.
- The noise impact assessment raises many substantial concerns.
 - We contend (along with many authoritative bodies) that ETSU-R-97, the standard for the assessment of wind farm noise, is now seriously out-of-date.
 - By the Applicant's own admission, noise levels will be in excess of adopted noise limits at several locations and the only proposed mitigation is to recommend that the turbine is switched off when such conditions exist, thereby reducing the benefit.
 - The methodology and level of estimation in determining both the noise limits and comparable noise levels have been previously questioned for the existing Double Arches turbine. Given this is a matter with potential Public Health concerns, uncertainty is NOT an acceptable outcome. As such, an independent Noise Impact Assessment should be commissioned by CBC to fully review these concerns.
 - Amplitude Modulation (AM) is now accepted by the Industry. The methodology for measuring and controlling EAM/GTEAM needs to be carefully considered and conditions imposed as

part of the planning determination.

- The Shadow Flicker Assessment has identified 22 dwellings that will suffer a flicker effect, at times, for a total of 254 days per annum, thereby significantly impacting the residential amenity of the affected properties. The report identifies several properties where no screening is effective and, once again, suggests that the only possible mitigation is to turn the turbine off and reduce the benefit.
- By the Applicant's own admissions, the turbine "*will be switched off*" at times due to excessive noise, Shadow Flicker and scheduled/unscheduled maintenance. Assuming these variables are independent, we estimate that the turbine will need to be switched off at times on 300 out of every 365 days. No greater evidence can be supplied to show that the proposed site is inappropriate.
- In summary, for all the various reasons noted above, the proposed development site is sub-optimal. It has been chosen because it was available, rather than by a thorough evaluation of benefit v dis-benefit and by comparison of the same metrics to other potential sites. In achieving Central Bedfordshire's renewable energy targets, it is vital that CBC ensure that only the most appropriate sites are utilised.

SCWT contend that the creation of this massive industrial zone within the Green Belt, only hundreds of metres from local communities will have an adverse impact on both public safety and public health.

There is no evidence to suggest that the Applicant has made any real effort to mitigate the impact of this proposal on the local community. AWE owns considerable areas of land in this locality, including Checkley Wood Farm, but has provided no evidence that it has considered locating the turbine elsewhere. Nor has it given any indication that it has considered other forms of renewable energy, solar panels for example.

The greatest impact of this proposed development will be on thousands of local residents. Following consultation by

post with residents, AWE distributed a leaflet responding to the concerns raised by the local community. Despite this, the vast majority of those that attended subsequent public meetings still object. This is very much endorsed by objections to this proposal submitted to the Central Bedfordshire Council Planning Portal. At the date of this submission 721 residents have objected to the Proposal, representing 96% of Public comment (due to CBC administrative problems in processing responses, we have been forced to use data from the SCWT website).

The Localism Act was designed for just such a scenario. Its purpose is clear. This Action Group has been given a mandate by local people through their Parish Councils and on behalf of those people; we claim our right to decide what happens in our communities.

We expect to be empowered and heard and implore Central Bedfordshire Council's determination for refusal.

SCWT Action Group
supplementary
response to revised
scheme:

Following the submission to CBC of an amended Planning Application, the Stop Checkley Wood Wind Turbine Action Group ("SCWT") have the following comments:

1. No reference is made to the legal argument put forward that the Application requires an "Environmental Survey" for its validity to be considered. We would welcome your thoughts in this regard and, specifically, why such a survey has not been provided.

2. The Applicant has restated the Shadow Flicker Assessment. However, a revised Noise Assessment has not been provided. Surely, it is not possible to consider an Application when the Public Health concerns of noise pollution have not been addressed. In our original report we highlighted significant failings in the Noise Impact Assessment and concluded that given the uncertainties inherent within that assessment, it was vital that CBC in discharge of their responsibility to protect Public Health, commissioned an independent Noise Impact Assessment. Given the changes to the Application, and the fact that now virtually every variable within the calculations is being estimated, assumed or simply utilised from previous Applications, it is now essential that such an independent report be commissioned. Such a report must necessarily also consider the control of Excess Amplitude Modulation. To not do so, would be at best casual and, at worse,

negligent to Public Health.

3. We have argued that National and CBC's own retained policies require the comparison of benefit to disbenefit in determining any Planning application. The revised submission brings us back to the original scheme outlined in Engena's letter to residents dated 29th July 2015. In that communication, it was predicted the turbine will generate 5,690,000 KWh, equivalent to the consumption of 1,270 homes. In an update to residents in February 2016, Engena stated the Checkley Wood Turbine would be increased in size and, as a result, they predicted potential electricity generation of 9,200,000 KWh, equivalent to 2,060 homes and further stated that during the first year of operation, the Double Arches Turbine produced 5,168,420 KWh of electricity.

So how much electricity is this turbine predicted to generate? Is it 5,690,000 as predicted in July 2015 or 5,168,420 produced by the identical Double Arches Turbine or some other number yet to be revealed by the Applicant?

The revised documents now included in this Application do not show any adjustments to the amount of electricity predicted to be generated nor for the CO2 omissions predicted to be offset. Without this information, it is not possible to determine the balance of benefit v disbenefit.

4. The array of harm caused by this proposal is unchanged by this amendment. The SCWT Rebuttal Document of 23rd June 2016, remains in force and continues to provide all the necessary information for CBC's refusal of this Application.

5. The proposed development site remains sub-optimal. It has been chosen because it was available rather than by a thorough evaluation of benefit v disbenefit and by the comparison of the same metrics to other potential sites. In achieving CBC's Renewable Energy targets, it is vital that CBC ensure that only the most appropriate sites are utilised.

This Application remains unsustainable, unrenewable and unjust.

6. SCWT, once again, strongly requests that CBC Officers and Development Management Committee Members visit the sites proposed within our report of 23rd June to recognise for themselves the impacts of this Proposal on the residential amenity of local residents. Failure to do this will prevent CBC from forming an accurate assessment of impact and potentially leave CBC open to legal challenge.

7. At the date of this letter in excess of 90% of the people who have responded to the Consultation have objected to this Proposal. The local people are continuing to give you a very strong message that this development does not have the backing of the affected local communities. The Localism Act (as amended) has told you directly what you must do in such circumstances.

For the reasons highlighted above and the arguments set out in our original Rebuttal Documents, we continue to ask that this amended Application is refused. Further, we understand that in the event of refusal, the Applicant is entitled to Appeal. We are so strongly committed to the value of our arguments and the support of local communities, that we would like to understand the processes we are able to follow should CBC find in favour.

Additional
communication from
SCWT 02/07/2017 to
the Council's
Environmental Health
Officer

We have recently been provided with the proposed planning conditions for noise and noise limits for the proposed Checkley Wood Wind Turbine development.

We understand that it has been a very difficult process to reach any form of agreement on this issue and after having reviewed the resulting documents, we can now fully understand why. As you are well aware, noise pollution is a Public Health concern and it is therefore imperative that CBC discharges its duty fully to protect the Public Health of the local communities.

We believe the proposed conditions and limits are incomplete, inconsistent and, in our opinion, show a complete disregard for public safety and residential amenity in preference to corporate gain. We now live in a world where this balance is changing following so many instances of not protecting local communities and we, therefore, ask you to provide explanations for the public

record to the following points:

1. The original Double Arches approval (CB/10/03034/FULL) included an appropriate condition for the control of Amplitude Modulation. This condition was lifted by CB/13/02037/VOC. We can find no evidence that CBC sort expert third party reviews of this Application. However, MAS (CBC's preferred advisors) in their report of 12th February 2015, Section 4 concluded "The variation of Condition 10 to permit higher levels of noise impact at dwellings influences the overall noise impact to which residents will be subjected. It was considered at approval of the original Application that EAM was in need of control. This remains the case and is relevant to the variation of Condition 10 as the combined impact of higher noise levels and noise character (i.e. EAM) is a significant change of impact".

Please will you explain why the AM condition was lifted at a time when the wind industry was acknowledging the need and appropriateness of EAM control?

Please will you explain why you have not proposed EAM control for the combined AM arising from the Double Arches and Checkley Wood wind turbines .

2. The original Double Arches Application included noise limits set at 35dB above background level. By application (CB/14/04463/VOC) were raised to 43dB. CBC requested an independent report on the application from their advisors MAS. Their report of 12th February 2015 concluded "The adoption of limits relating to background noise introduces threshold night time limits starting at 43dB. This is an increase of 8dB and is a large stepwise increase. This means turbine output can be stepped up every night by a starting noise level that is approaching twice as loud as the level applied under the flat 35dB limit and which is currently applicable to this site. It also means the dominance of the noise and its potential change of the soundscape is far more dramatic with much larger exceedance of the background noise levels. In the case of other site specific sources of noise, the background noise is usually relied upon to provide a degree of masking noise. The Application of the higher limits in this case would negate such masking until much higher wind speeds are maintained. The extent of exceedance of the noise above the background noise

levels which is at a level contrary to the intent of ETSU-R-97 requires reassessing.

Please can you explain why this Application was supported against the advice of CBC's advisors?

3. The Report by MAS on CB/14/04463/VOC raised many substantial issues surrounding the original Double Arches Application and the subsequent VOCs. Specifically:

(a) Background noise levels and derived noise limits at Mileway House are not agreed or considered appropriate In the absence of clear information and a full understanding of impacts, the Application should not be approved. Within the revised noise limits proposed for the Checkley Wood turbine, how has this issue been addressed?

(b) Directional filtering of the data is considered appropriate for Sandhouse Cottages and Checkley Wood Bungalow, both of which are located downwind of the turbine whilst upwind of the road traffic noise (as recommended by the IAO Guide to the Application of ETSU-R-97) Has this process been applied to the combined data for Checkley Wood and Double Arches?

(c) As quoted in point 2. above, the report raises significant concerns regarding the absolute level of noise and compliance with ETSU-R-97. Given the strong concerns regarding the measurement of background noise, why have you not required clarification and a further survey to be conducted on background noise levels?

4. Night time noise limits starting at 43dB are approximately twice as loud as the original level of 35dB. Further, it was considered on approval of the original Double Arches Application that EAM was in need of control. This remains the case. The combined impact of higher noise levels (from Checkley Wood and Double Arches combined) and noise character (i.e. EAM) is a significant change of impact. Furthermore, we understand that the current proposed controls include GTEAM arising from Checkley Wood, but not Double Arches.

How can you recommend approval of limits designed to protect Public Health which exclude a potentially significant element, against the advice from your advisors

and at time when the wind industry acknowledges the need for EAM control ?

5. Guidance from the World Health Organisation ("WHO") sets a night time noise guideline value of 40dB outside for the protection of Public Health from night noise. This value relates to the long term average of night noise over a year. Given the proximity of some of the nearby dwellings to the A5, a significant source of road traffic noise and the potential for 2 wind turbines to be operating, there is a high potential for this limit to be exceeded.

Will you please explain how you reconcile this statement with the proposed noise limits and why you feel it is necessary to ignore the advice of WHO and your advisors MAS?

6. The Noise Impact Assessment attempts to assess the cumulative noise impact from the Double Arches and proposed Checkley Wood turbines, but does not consider this impact in addition to road traffic noise and potential GTEAM from Double Arches. Sandhouse Cottages and Checkley Wood Bungalow are influenced by high levels of road traffic noise. Prior to the Double Arches development, the rear of the dwellings was sheltered from noise. The Double Arches turbine generates noise at the rear of these dwellings and if Checkley Wood is approved, the noise level will increase by at least 4dB. Where dwellings previously had a façade protected from noise, there is now a new source of noise that will be added to if Checkley Wood is approved. This represents a complete lack of respite from noise for these residents.

Will you please explain how the Public Health of these residents will be protected and why their residential amenity should be compromised to this extent?

7. We understand that the proposed noise limits do not include the potential GTEAM arising from the Double Arches turbine, even though MAS have previously argued that the VOCs require the reconsideration of the condition anew. At only 410m distant, it is a recognised fact that the operation of one turbine through the air disturbance created will cause a far greater likelihood of GTEAM at the

second turbine. When the wind is from the N/NE, the effect of this proposed development will be to substantially increase the likelihood of GTEAM from Double Arches The very condition that you agreed to lift in 2013 against the advice of MAS.

Will you please explain why you have not developed a single AM condition covering the operation of both turbines and how you can reconcile the increased likelihood of GTEAM without now implementing an appropriate condition?

8. The predicted noise levels are extremely close to ETSU-R-97 maximums. Given the uncertainty of a 2dB increase in noise levels caused by ground absorption (reflection), then actual noise levels could well reach, and exceed, the ETSU-R-97 limits. Furthermore, there is no evidence that noise from the proposed development has been mitigated and reduced to a minimum in accordance with Government Planning Guidance.

Please explain how you have satisfied yourself that noise levels and their effect on the local dwellings will not be excessive?

Please explain why you have ignored guidance from your advisors MAS and Government Policy in agreeing to these predicted noise levels?

9. We believe the proposed noise condition is unworkable and unenforceable. The noise limits apply to the combined noise output of Double Arches and the proposed Checkley Wood turbines. However, the AM condition only applies to Checkley Wood. Given that the human ear will be unable to separate these noise sources and will, therefore, be unable to differentiate the source of any GTEAM, how will enforcement be able to deal with complaints of excessive noise that are surely going to arise?

We have raised many very serious concerns in this letter, which the public will expect clear answers to. It would appear that there is a clear pattern of finding in favour of the applicant, against the advice of MAS, WHO and even the wind industry itself, that has resulted in a complete disregard for public health and residential amenity.

In our representations to CBC , we have long argued for a full independent Noise Impact Assessment to be completed to enable CBC to discharge its duties and provide the public with the assurances it deserves . Once again , this has fallen upon deaf ears . We fundamentally believe , that whether you live in a 20 storey tower block , a detached house or the Sandhouse cottages you are entitled to rely on your local council and its officers to provide the same level of protection for your public health and residential amenity we can see no evidence that this is the case here.

We ask , in the strongest possible terms , that you reconsider the cumulative evidence here, as required by CBC policies , and thereby ensure that you discharge your duty to protect local tax paying communities.

Individual public objections (which included 94 emails that also referenced the SCWT document and therefore have also been counted above).

51 from Heath and Reach, 43 from Leighton Buzzard, 11 from Potsgrove, 10 from Great Brickhill, 8 from Soulbury, 7 from Woburn, 3 from Overend, 3 from Hockliffe, 2 from Eggington, 2 from Milton Bryant, 2 from Tilsworth, 1 from Ridgmont, 1 from Stanbridge, 1 from Toddington, 1 from Aspley Heath and 1 from Eaton Bray (total 147)

Object to the application for the following reasons:

- The existing wind turbine is noisy, with a constant whoosh;
- If the application is approved, the noise levels should not be allowed to exceed the existing limits for Double Arches;
- The existing turbine (particularly its size) has had a negative impact on the beautiful countryside, which would be worsened by the addition of a second turbine;
- The turbines are out of keeping with the rural character of the area;
- The two turbines together would appear as an industrial development;
- The existing turbine can be seen from Dunstable Downs, which is an Area of Outstanding Natural Beauty;
- The turbine would be located only 800m away from existing houses;
- The existing turbine is visually intrusive and overbearing to residents; the second turbine would have a similar impact;
- The site is Green Belt land and the turbine would be inappropriate development, which would be harmful to the openness and visual amenities of the Green Belt;
- The existing turbine has caused a loss of TV reception including Freeview and makes it difficult to access

- local television services;
- If the application is approved, it should include a condition requiring AWE to install Free Sat equipment at all affected properties;
- The proposed turbine could have a harmful impact on wildlife, particularly considering the proximity to the nature reserve;
- Since the Double Arches turbine was erected there have been changes in the numbers and species of bats and birds in the area;
- Nesting buzzards are no longer roosting within the adjacent copse;
- Ecological reports on the impact of the Double Arches turbine on bat and bird populations should be provided;
- If the turbine is approved, the impact on bat and bird populations should also be monitored;
- The turbine would have an adverse impact on Heritage assets;
- Recreational facilities in the area would be adversely affected;
- There are no discernible public benefits to the local community;
- The proposed turbine would cause shadow flicker up to 800m away in addition to the effects of the existing turbine;
- The village has done its bit by accepting one turbine;
- The site will become a brownfield site which will allow houses to be built on it in the future;
- The turbine would be too close to the existing turbine;
- The turbine may cause MOD radar disruption;
- The turbine would cause a problem for traffic as it would be distracting and would cause accidents on the A5;
- The existing turbine was out of commission for over six months;
- There is a plan to build 4,500 houses on the same site and the turbine would be too close to the houses;
- Granting planning permission for this application would create a precedent for even larger turbines in the future;
- An additional turbine would devalue house prices;
- The claims of the amount of power that would be generated are inflated as the wind does not blow all the time;
- Wind turbines are very inefficient and wind power is

- unreliable;
- The turbine would not be profitable now that subsidies have been removed;
- Wind power targets are being met so there is no need for any additional turbines;
- Maintenance costs are high and it is likely that the turbine would be abandoned to clutter up the landscape;
- There is insufficient wind in England for turbines to be economically viable without subsidies;
- Several smaller turbines would be better than the proposed large ones

Petition against the application submitted by The Bedford Estates with 100 unique signatures, of which 40 gave addresses within 5km of the site and a further 26 gave addresses within 5km - 10km of the site.

Individual letters of support as follows:

41 from Heath and Reach, 173 from Leighton Buzzard, 4 from Eaton Bray, 4 from Dunstable, 3 from Eddlesborough, 2 from Stanbridge, 2 from Wing, 2 from Hockliffe, 1 from Leagrave, 1 from Newton Leys, 1 from Stewkley, 1 from Stoke Hammond, 1 from Tebworth, 1 from Totternhoe, 1 from Bletchley and a further 12 from addresses over 10km from the site. (total 250)

Support the application for the following reasons:

- The development of wind power is a vital part of efforts to tackle climate change and meet carbon reduction targets;
- An increase in renewable energy is a statutory target for the UK and part of our Paris Climate Change Agreement COP21 targets;
- Renewable energy projects contribute to greater energy security for the UK and reduce dependency on imported energy;
- It is far better to cluster turbines than dot them sporadically over the countryside;
- A few big turbines are better than lots of small turbines;
- Turbines are elegant, majestic and beautiful and form a wonderful landmark in an area;
- Wind turbines provide energy at peak demand times in winter and in the dark, when other renewable energy technologies are less effective;
- Wind turbines are more efficient than solar panels in terms of utilising grid capacity;
- Renewable energy should be encouraged over nuclear

- energy or fracking;
- The UK is facing an 'energy gap' which the turbine would help fill;
- A recent review of the UK's 2020 combined renewable energy targets demonstrated that the electricity segment is on track as a result of largely wind and solar projects but renewable heat and transport are significantly behind the projection and it is likely that the electricity targets will have to be increased in order to meet the overall 15% target;
- The proposal will not be subsidised as the government have removed subsidies from on-shore wind projects;
- Embodied energy will be low as the turbine will be manufactured in Germany where 50% of the electricity is from renewable sources;
- Energy storage technologies are developing rapidly. Leighton Buzzard is home to the UK's largest energy storage plant and this will soon overcome the criticism of intermittency;
- Double Arches has proved that this is an excellent location for wind energy and this turbine would be further away from Heath and Reach and other houses;
- The energy produced will be used locally, reducing wastage and increasing efficiency;
- Vehicle traffic from the A5 is significantly louder and more disruptive than the noise from the turbine;
- The local campaign against the application is misleading to the public and full of inaccuracies;
- A second wind turbine is much more preferable than a power station;
- Conditions should be used to control television reception, noise impacts and wildlife impacts;
- The turbine is not visible from most of Heath and Reach due to the topography of the land;
- AWE solved problems with the television reception as soon as they were contacted;
- There is already a turbine on the site and so the introduction of a new turbine here is better than erecting it in unspoiled countryside;
- House prices in the area have risen significantly since the installation of the Double Arches turbine, so it is clearly not true that turbines reduce house prices;
- There is no evidence the Double Arches has had a harmful impact on wildlife;
- Even if one ignores the existing turbine, the site is part

of a quarrying complex, which is already an industrial site and is not 'unspoiled ' countryside;

- Whether or not turbines are attractive is a purely personal, subjective view;
- Turbines aren't as intrusive as electricity pylons, which are much more ubiquitous in the countryside;
- The RSPB is in favour of wind turbines;
- The contribution of the turbine towards energy targets is surely very special circumstances;
- Television interference can be easily overcome by redirecting antennae or providing digital services;
- The existing turbine is almost inaudible at Overend Green;
- Wildlife would flourish in the area immediately around the turbine as the public would be excluded;
- Any bird and bat fatalities are likely to be less than the number caused by traffic and cats;
- It is a good teaching opportunity for children;

Determining Issues:

The main considerations of the application are;

1. Wind Energy
2. Policy Context
3. Green Belt
4. Landscape Impact
5. The Historic Environment
6. Ecology
7. Noise
8. Impact on Neighbouring Amenity including Visual Impact and Shadow Flicker
9. Electromagnetic Interference including Aviation and Television Reception
10. Impact on Recreational Amenity
11. Traffic Generation and Access
12. Hydrology, Geology, Flood Risk, Contamination
13. Minerals and Waste
14. Decommissioning
15. Planning Balance and Conclusion
16. Other Issues

Considerations

1. Wind Energy

- 1.1 The principle of harnessing wind energy by wind turbines is well established, and wind turbines are seen to make a significant contribution to electricity supply systems in Europe and in the UK.

- 1.2 The UK is the windiest country in Europe. Renewable UK states that onshore wind energy has established itself as a mature, clean and productive technology. It is now the UK's largest source of renewable energy generation.
- 1.3 The Government's Committee on Climate Change notes within the Fifth Carbon Budget for the UK (which has been passed by Parliament) that the evidence that global warming is happening, driven by human activity and with large potential impacts, is supported by many lines of research and agreed by the world's leading scientific bodies.
- 1.4 The UK has a number of statutory targets in regards to lowering carbon emissions and increasing the use of renewable energy. The Climate Change Act 2008 set a target of reducing greenhouse gas emissions by at least 80% of 1990 levels by 2050. The UK has also committed to an EU target of the UK meeting 15% of its energy needs from renewable energy by 2020, including electricity, heat and transport. Indications from the Government are that, despite plans for Britain leaving the EU, these targets should still be met to avoid undermining national and global commitments.
- 1.5 The Paris Climate Change Agreement of 2016 saw the UK government along with countries from around the world agree to work together to keep the increase in global temperatures to below 2 degrees Celsius above pre-industrial levels and to aim to limit the increase to 1.5 degrees Celsius. As part of the agreement, countries committed to meeting every five years to set more ambitious targets as required by science to ensure that rising temperatures are limited.
- 1.6 The Government's Renewable Energy Strategy broke down the 15% renewable energy target to 30% of its electricity, 12% of its heat and 10% of its transport fuel to all come from renewable sources. In September 2016 the Energy and Climate Change Select Committee published a report which noted that although the electricity target is likely to be met, on its current course it is likely that failures to meet the heat and transport fuel targets are likely to result in an overall failure to meet the 15% target of renewables. It discusses the need for a significant increase in the electrification of both heat and transport fuel, (whilst acknowledging that complete electrification is unlikely to be successful).
- 1.7 The Fifth Carbon Budget sets targets for the period 2028-2032 of a 57% reduction in emissions on 1990 levels. To do that scenarios are presented, which include the electrification of heat and transport and the reduction in the carbon intensity of electricity generation from around 450 gCO₂/kwh in 2014 to below 100 gCO₂/kwh by 2030.
- 1.8 It is likely that an increase in on-shore wind projects is likely to be required to meet the targets that have been described above. Subsidies have recently

been removed from new on-shore wind projects by the government to allow funding to be directed instead to less mature technologies. When announcing the removal of subsidies, the Secretary of State announced that "Onshore wind is an important part of our current and future low-carbon energy mix", indicating that the removal of the subsidies does not form part of an intention to prevent on-shore wind projects.

- 1.9 Some consultation responses have referred to an article by Mr Hugh McNeal, Chief Executive of Renewables UK, which indicated that the removal of subsidies will render all wind projects within England unviable. However, Mr McNeal has written in respect of this application to clarify that this is not the case, and that whilst the viability of projects in England may be more challenging, a wide range of individual circumstances would have significant effects on the economics of schemes and there may well be viable projects within England. He notes that government policy is that there is no requirement for developers to demonstrate scheme viability as part of the planning process.
- 1.10 Wind turbines work by converting the kinetic energy of the wind that passes through the swept area of the rotor into electrical energy by means of a rotor, a mechanical drive train and an electrical generator. These are all mounted on a tower. The height of the tower is normally at least twice the length of a blade. The blade needs to be far enough from the ground to minimise turbulence and to maximise the energy capture of the wind turbine.
- 1.11 The amount of actual energy produced from a turbine is often the source of much debate. Wind power is an intermittent source of energy as the wind itself is variable. The rated power of a turbine, which is 1.5MW in the case of the proposed turbine, is the maximum power the turbine will produce and is often referred to as the installed capacity. The rated power is usually available at a certain wind speed known as the 'rated wind speed' in this instance the rated wind speed of the candidate turbine is 12 metres per second. The capacity factor is the ratio of the actual energy produced in one year against the energy which would be produced if the turbine were operating at its rated power.
- 1.12 Typically the likely output of a turbine would be calculated using standard information in regards to the rated power of a turbine, a standard capacity factor and the number of hours in a year. However, in this case, better predictions can be made through utilising actual data from the Double Arches turbine, which is of the same make and model and stands at a similar height on similar topography, 410m away from the application site.
- 1.13 Vensys, the manufacturer of the turbine, have provided figures from the first 12 months of operation of the Double Arches turbine. During this time, the turbine produced 4,999 MW h/yr. This includes shut down time to avoid

shadow flicker and carry out servicing and repairs. Vensys noted that the Double Arches turbine performed the best out of the 2,480 turbines of the same model globally (with the exception of 100 turbines in India and China, for which data is not available.)

- 1.14 It appears reasonable to assume that the Checkley Wood turbine would offer similar levels of performance. Vensys noted that it may have to be shut down more frequently to avoid noise problems to neighbouring occupiers, but only when the wind speed is below 4.5 m/s and when the wind is from the north-east. However, it is noted that at wind speeds below 4.5m/s very little electricity is generated.
- 1.15 An average UK household is currently taken to consume an average of 4,473 kWh per year, so assuming a similar performance of 4,999 MWh per year, the proposed turbine is likely to meet the annual needs of an average 1,118 households. The electricity produced would be consumed locally, with a grid connection at Clarence Road in Leighton Buzzard, which would result in less transmission loss than if electricity was fed into the National Grid. However, it should be noted that local residents would not benefit from free or reduced price electricity, rather the contribution should be seen as an offset in terms of overall energy production. This would displace around 2,150 tonnes of carbon per annum and would therefore make an important contribution to reducing carbon emissions.
- 1.16 It is noted that representations have been received that are concerned that the separation distance between the two turbines would result in an impairment of the performance of both turbines. This is based on the information within National Policy Statement EN3, which states that to avoid wake separation, turbines would normally require a spacing of 6 rotor diameters in the prevailing wind direction (in this case the separation distance would be 4.7 rotor diameters).
- 1.17 However, EN3 also acknowledges that wake separation will vary depending on the topography of the site and the prevailing wind direction. EN3 does state at paragraph 2.7.7 that the spacing between turbines is "a matter for the applicant".
- 1.18 Vensys has provided a letter confirming that, based on the topography, prevailing wind direction and the model of turbine, they are confident that the separation distance is sufficient that it would not impair performance and is prepared to issue warranties and long service agreements that guarantee power curve performance. As such, it is considered that the figures provided allow a fair and reasonable assumption of the likely performance of the proposed turbine and the contribution it would make towards the UK's renewable energy and carbon emissions reduction targets.

- 1.19 The Officer's attention has recently been drawn to the National Grid's Summer 2017 Outlook report, which suggests that, due to reducing Summer demand, which is partially attributed to an increase in the installation of solar photovoltaics, at times of low demand there will need to be some curtailment of flexible wind generation to help balance the system, as well as curtailments in coal and gas units. It clarifies that these curtailments are likely to be in large wind farms, only at times of high wind and only to reduce output for short periods of time. As such, it is considered unlikely that this will have an impact on this proposal.

2. Policy Context

- 2.1 The National Planning Policy Framework is the primary document expressing national planning policy within England. This document stresses the primacy of the Development Plan, explaining that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
- 2.2 In this case the relevant Local Plan is the South Bedfordshire Local Plan Review 2004, except where considering impacts on areas to the north east of the A5, where the relevant development plan is the Mid Bedfordshire Core Strategy and Development Management Policies (November 2009). Neither of these documents contain policies or allocations in reference to renewable energy, although some topic specific policies are relevant on matters such as design, landscape, heritage assets etc.
- 2.3 On 4th July 2017 the Council published the draft Local Plan for its Section 18 consultation, which includes draft policies for determining planning application. It is at an early stage in the process and the direction of travel of the emerging Local Plan is a material consideration when determining planning applications. However, at this early stage in the plan-making process, the draft Local Plan only attracts marginal weight.
- 2.4 Draft Policy CC2 within the emerging Local Plan states the following:
- “The Council recognises the environmental, social and economic benefits of renewable or low-carbon energy. Renewable energy proposals will be evaluated against the Council’s technical guidance on renewable energy. The Council will support renewable energy developments which are:
- Located in the most suitable areas where negative impacts can be most effectively mitigated. Any unavoidable adverse impacts, including cumulative impacts, such as noise, pollution and harm to visual amenity, should be mitigated through careful consideration of location, scale, design and other measures;
 - Located and designed so as to have no unacceptable adverse impact on

heritage assets, sensitive landscapes and townscapes.

All developers of renewables schemes are required to engage with all affected stakeholders, including local communities, at the earliest stage in order to understand and clarify issues of objection. The developer will demonstrate how they will proactively mitigate negative impacts and provide adequate enhancements in order to satisfy any concerns of the affected local community.”

2.5 Paragraph 14 of the NPPF states:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - ◆ any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ◆ specific policies in this Framework indicate development should be restricted (for example ... land designated as Green Belt ...(and) ... designated heritage assets).

2.6 Section 10 of the NPPF deals with climate change. Paragraph 93 states:

Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

2.7 Paragraph 97 of the NPPF states:

To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

2.8 Paragraph 98 discusses planning applications for renewable energy projects and states that when determining planning application, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

2.9 On 18th June 2015 a Written Ministerial Statement was issued which has been translated into National Planning Practice Guidance and also represents national policy. This states:

When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

It goes onto state:

"Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority."

Significant weight should be given to the content of the WMS.

2.10 In this case, having regards to the scale and nature of the proposal, it is considered that the affected local communities comprises all those who live within 10km of the site. This includes all those Parish Councils which objected to the scheme and 624 objectors. It also includes a significant number of local supporters, with 238 individual letters of support from residents within 10km of the application site. However, on balance, it cannot be said that the proposal has the backing of the local community.

2.11 The local community has identified a large number of potential planning impacts, which will be considered in topic based sections below.

2.12 National Policy Statements NE1 and NE3 are material considerations in determining planning applications. NE1 is the overarching National Policy Statement for Energy and includes at paragraph 3.4.5:

"Paragraph 3.4.1 above sets out the UK commitments to sourcing 15% of energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for

new renewable electricity generation projects is therefore urgent."

It also provides topic specific guidance which is generic across all forms of energy infrastructure.

- 2.13 National Policy Statement NE3 focuses on renewable energy infrastructure and provides more focused guidance on the impacts of different types of renewable energy projects, including on-shore wind.
- 2.14 At a local level, there are no adopted planning policies on renewable energy. However, in March 2014 a Renewables Capacity Study for Central Bedfordshire was produced, which notes that to make a proportionate contribution to the UK's legally binding targets, by 2031 Central Bedfordshire would need to reduce local carbon emissions by some 40% and would require around 713MW of renewable energy capacity. At that time the combined planned and installed renewable energy capacity (including those in pre-planning stages) was approximately 122.5 MW of capacity. However, not all these projects proved suitable and the current installed capacity is some 112 MW.
- 2.15 In addition, in 2013 the Council's Executive adopted Guidance Note 1: Wind Energy Development in Central Bedfordshire as Technical Guidance for Development Management Purposes. This mainly focuses on assessing landscape impacts and is also considered to be a material consideration in the determination of this planning application.
- 2.16 It is considered that national and local policies and renewable energy targets direct that significant weight should be given to the contribution the proposal would make towards the generation of renewable energy and the associated reduction in carbon emissions.
- 2.17 In the absence of specific policies within the adopted Development Plan, national policies and guidance are key considerations. The NPPF and the WMS direct that permission should only be granted if the impacts of the proposal are or (can be made acceptable), including those planning impacts identified by the local community. These impacts will be assessed below.

3. Green Belt

- 3.1 The application site is located within the South Bedfordshire Green Belt and therefore Section 9 of the NPPF is a key consideration in the determination of this application. Section 9 states that the government attaches great weight to Green Belts, the essential characteristics of which are their openness and their permanence.
- 3.2 Paragraph 80 sets out the five purposes of Green Belt, which are:
 - to check the unrestricted sprawl of large built-up areas;

- to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 3.3 Section 9 explains that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local planning authorities are instructed to ensure that substantial weight is given to any harm to the Green Belt when considering planning applications. Paragraph 88 states that 'very special circumstances' will not exist unless the harm that would be caused to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Similar policy positions are expressed in the emerging Local Plan and the Council's Guidance Note 1: Wind Development.
- 3.4 Paragraphs 89 and 90 set out types of development which would not be inappropriate within the Green Belt. The only possible category within which the proposal could fall is that of an engineering operation, however. Paragraph 90 states that engineering operations are only not inappropriate development if they preserve the openness of the Green Belt and do not conflict with any of the purposes of including land within the Green Belt. Paragraph 91 states that elements of many renewable energy projects in the Green Belt will comprise inappropriate development.
- 3.5 In this case, although it is acknowledged that the turbine would be slim and relatively permeable, it is considered that the proposed wind turbine would not preserve openness (which is generally described as the absence of development).
- 3.6 It is also considered that the proposal would conflict with one of the purposes of including land within the Green Belt, namely assisting in safeguarding the encroachment of land within the countryside.
- 3.7 As the proposal would not preserve openness and would conflict with one of the purposes of including land within the Green Belt, it must constitute inappropriate development in the Green Belt, harmful by definition; and substantial weight is attached to this.
- 3.8 It is also considered that there would be harm to the Green Belt as a result of loss of openness and visual impact. The applicant has argued that, although the turbine would be tall, it would be slim and would have a high degree of permeability, allowing views of the open countryside beyond and therefore the impact on openness (which also includes the visual impact on the Green Belt, which is considered separately from impact on landscape character) would be

extremely limited.

- 3.9 However, whilst it is acknowledged that the turbine would be slim and the rotor blades would be permeable, it is considered that the blades would cover a large area of sky from close views and the turbine would be of a significant height. As such, it is considered that the impact of the turbine on the openness and visual amenities of the Green Belt could not accurately be described as limited.
- 3.10 The existing Double Arches turbine is a significant feature within the landscape and has an impact on openness. A second, matching turbine only 400m away would be read in conjunction with the existing turbine. Whilst the proposed turbine would have a harmful impact on openness, it is considered that the impact of the second turbine would not double the harm to openness. It is therefore considered the proposed turbine would have a moderate impact on openness. Substantial weight must also be given to this identified harm to the openness and the visual amenities of the Green Belt and to the encroachment on the countryside.
- 3.11 The application should therefore not be granted unless very special circumstances exist that clearly outweigh the harm to the Green Belt, and any other harm. This will be considered further in Section 15.

4. Landscape Impact

- 4.1 The application includes a landscape and visual assessment, using a methodology set out within the Guidelines for Landscape and Visual Impact Assessment, Third Edition and includes an assessment of the existing landscape, a visibility analysis that uses computer generated zones of theoretical visibility to identify the locations where the turbine could in theory be visible from, based solely on topography (excluding vegetation, built form and other visual barriers, an assessment of the likely impact of the proposal on the landscape, including viewpoint analysis and photomontages taken from a variety of locations with the proposed turbine superimposed within the photograph, and a cumulative impact assessment including other wind development within the area. Visual impact on neighbouring occupiers will be assessed further, in Section 8, below.
- 4.2 On the recommendation of Landscape and Planning Officers, the application proposal was modified during the course of the application from a taller turbine with a larger blade sweep to a turbine of the same size and design as the existing Double Arches turbines. Revised images were submitted with the modification to the application to allow an assessment of the visual impacts. The Landscape and Visual Assessment was not updated in full, however, as the proposed turbine is smaller than the proposed, this was not considered to be necessary.

- 4.3 The site itself is not located within a nationally designated, landscape. The Chilterns Area of Outstanding Natural Beauty is located to the south and east of the application site, with the boundaries located approximately 10km away to the east and just over 10km away to the south and south east. The site is also not located within the locally designated Areas of Great Landscape Value.
- 4.4 Central Bedfordshire Council has a Landscape Character Assessment document and a Wind Turbine Guidance Note, both of which are endorsed as technical guidance for development management purposes and are therefore material considerations in the determination of this application. The Wind Turbine Guidance Note is also referenced in the draft Large Scale Renewable Energy policy in the emerging Local Plan.
- 4.5 The Wind Turbine Guidance Note is based on previous Landscape Character Assessments. It notes that National Energy Policy Statement says that "wind farm development will always have significant landscape and visual effects". The Guidance Note states that well located wind farms of appropriate scale can create positive landmarks and are a symbol of sustainability.
- 4.6 The Guidance Note therefore seeks to analyse the landscape of Central Bedfordshire in detail and provide guidance and assessment of the various landscapes as to their sensitivity to wind development.
- 4.7 In terms of Landscape Context, the application site sits within the Toddington - Hockliffe Clay Hills landscape character area (LCA 8A), a rolling pastoral landscape of subtle ridges and vales rising to higher ground east of the A5 offering more expansive views across local and wider landscape areas. The Woburn Greensand Ridge (LCA 6A) forms an elevated, primarily wooded horizon to the east, north and west of the application site and surrounds. To the south, beyond the Eaton Bray Clay Vale (LCA 5A) the Totternhoe and Dunstable Downs chalk escarpments (LCA 9B, and 9A within the Chilterns AONB) form the highly distinctive elevated, terraced chalk landscape system typical to south Bedfordshire with elevated viewpoints looking north to the subtle ridge lines associated with the clay hills and Woburn Greensand Ridge forming the distinctive northern horizon.
- 4.8 It is noted that the rolling landscape within which the application site sits provides quite a surprising theoretical visibility of the turbine; in that it would be clearly visible, albeit as a mid-long distance feature from over 15km away from elevated positions, but would be wholly invisible from some locations of less than 5km away. Vegetation and buildings also play a part in significantly reducing the locations from which the turbine would be able to be seen, and the amount of the turbine that would be visible. However, there is no escaping the fact that the turbine would be a significant feature within the landscape from many locations within a 10km.

- 4.9 The turbine would be read in conjunction with the existing turbine at Double Arches, being of the same proportions, located 410m away and standing on a similar ground level. It is considered that the turbine would be read as a pair, or "cluster" and the proposal should be assessed as such.
- 4.10 It is important to note that the baseline includes the Double Arches turbine, and it is also considered important to assess the cumulative impact of the two turbines, as well as cumulative impact with other wind developments in the area.
- 4.11 The Wind Turbine Guidance Note was prepared following the grant of planning permission for the Double Arches turbine and the assessment took full account of the presence of the Double Arches turbine.
- 4.12 The site is designated within the Wind Turbine Guidance Note as lying within the Leighton Buzzard Rural Fringe area, within a part designated as having a moderate sensitivity of landscape character. The site is shown within a map as forming part of an appropriate area of search for wind development.
- 4.13 The Guidance Note assesses the likely acceptability of varying numbers of turbines within individual landscapes. It is difficult to know whether to apply the criteria for a single turbine, which could be considered appropriate as the proposal is for a single turbine and the assessment within the Guidance Note clearly includes the Double Arches turbine within the baseline; or the criteria for a cluster of 1-3 turbines, which could be considered appropriate as the proposed turbine would cumulatively form part of a cluster with Double Arches. It is noted that the proposal, even considered cumulatively with Double Arches, does not meet the description of a medium (3-6 turbines) or large (7-11 turbines) wind farm.
- 4.14 The Guidance Note assesses that the capacity of the Leighton Buzzard fringe evaluation area to accommodate a single turbine (in addition to the existing turbine at Double Arches) is moderate and the capacity of the area to accommodate a cluster of 1-3 turbines is low. It is noted that the more detailed assessment identifies the presence of large scale quarrying within the area as one of the contributing factors to the capability of the landscape to absorb additional wind development. It also advises that the best capacity for a cluster within the area would be associated with trunk roads; the proposal would lie adjacent to the A5 trunk road.
- 4.15 The representation from Savills states that the Guidance Note advises that adding a second turbine to the existing Double Arches turbine would result in more than one development, which would result in major adverse change to the landscape character, or an unacceptable decline in landscape value (the given explanation within the Guidance Note for low capacity). However, it is

considered that this is not the correct interpretation of the Guidance Note. Either the assessment is that of a single turbine, in which case there is moderate capacity within the landscape to accommodate it, or it is for a cluster with the existing Double Arches turbine, in which case there is only one development within the character area.

- 4.16 The conclusion of the Guidance Note includes the following statements:

There is potential to support a limited extent of small-medium sized wind farms, particularly within the clay landscapes. Central Bedfordshire may also be able to accommodate a limited number of single turbines, although the visual impact of a single turbine can be considered disproportionate to the energy output.

The cumulative impact of a series of single turbines is considered to be of a greater consequence than a single, medium sized farm of 3-5 turbines.

Where the installation of single turbines is concerned – there may be scope to accept more single turbine ... where they can be used positively to create nodal features along trunk roads. A cluster of turbines may be more acceptable than three single turbines within a particular locality.

- 4.17 It is noted that the Guidance Note indicates that other turbines in the area should be subservient in height to the Double Arches turbine. However, it is also noted that the Council's Landscape Officer recommends that the turbine match the existing Double Arches turbine to ensure that the two turbines are viewed as a pair, to create a visual effect of a single cluster of development rather than 2 separate and different developments.
- 4.18 The submitted Landscape and Visual Impact Assessment, supported by the viewpoint analysis and theoretical zone of visibility determined that the proposed turbine would, in conjunction with the existing Double Arches turbine, have a significant adverse impact on landscape character up to 2km from the site. It considers that the addition of the proposed turbine would have an incremental impact on the character of the area, but the existence of the Double Arches turbine, which has already significantly changed the character of the landscape, would substantially limit the impact that the proposed turbine would have on landscape character.
- 4.19 This is considered to be a reasonable assessment of the likely impact of the proposal. It is considered that the cumulative impact of the two turbines would be such that they would read as a pair within the landscape. Whilst this would have a significant adverse impact on parts of the landscape within a 2km area of the site, it is judged that the majority of this impact has already taken place as a result of the introduction of Double Arches.

- 4.20 The Council's Wind Development Guidance Note has identified the area as a landscape that has a moderate capacity to accommodate one additional turbine and the concluding reference to clusters having a more acceptable impact on landscape character than a series of single turbines indicates that the current proposal, forming a cluster with the existing turbine, would have a more acceptable impact on landscape character than a separate single turbine (or larger wind development) would have on the character of the area.
- 4.21 Some concerns have been raised that the erection of a second turbine would "industrialise" the countryside in the area. It is noted that the character of the area cannot accurately be described as "unspoiled countryside" with an extensive quarrying complex and an existing turbine adjacent to the site.
- 4.22 Guidance on this point is again provided by the Council's Wind Development Guidance Note, which, in the more detailed analysis of the individual character areas appears to consider that clusters of 3-6 turbines would appear as an industrial scale, but clusters of up to 3 turbines would not have an industrialising impact on the countryside.
- 4.23 Detailed consideration should be given to the impact on the Chilterns Area of Outstanding Natural Beauty, the boundaries of which are located approximately 10km away from the application site. Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The NPPG confirms that this should also apply to proposals which lie outside the area but would have an impact on the area's natural beauty.
- 4.24 The submitted viewpoints (confirmed by site visits) demonstrate that the proposed turbine would be visible from elevated positions on the edges of the Chilterns AONB, however, the turbine would be seen in middle-long distance views. Whilst it would be clearly noticeable as a feature of the landscape, it would not dominate the landscape and would not result in a significant detracting of the scenic beauty of the area. Furthermore, it would be read in conjunction with the existing Double Arches turbine as a single development and the addition of a second turbine would not have a materially harmful impact on the special qualities of the AONB.
- 4.25 Consideration must also be given to the cumulative impacts of the proposal with existing or proposed wind turbines other than Double Arches. There are no other developments within 10km of the site; within 10km-15km of the site is a turbine at Marston Vale, two turbines at Bletchley Maxwell House and a proposed wind farm at Salden. Just beyond 15km are the Quarrendon single turbine and the Milton Keynes Wind Farm.
- 4.26 The submitted Landscape and Visual Assessment has been compiled in

accordance with the NPPG in accordance with cumulative assessment and demonstrates to the satisfaction of officers that the other existing / proposed turbines are of a sufficient distance and with sufficient intervening topography and landscaping that the addition of the proposed turbine in this location would not, in conjunction with these other developments, result in either wind energy becoming a defining characteristic of the landscape or become a dominating feature from views or journeys within the area.

- 4.27 In conclusion, it is considered that the proposed wind turbine would have a limited - moderately harmful impact on landscape character up to 2km from the site, as the impact would be significantly reduced by being read as part of a cluster with the existing Double Arches turbine. There would not be a materially harmful impact on the scenic beauty of the Chilterns AONB and there would not be a material cumulative impact with other turbines in the area (other than Double Arches).

5. The Historic Environment

- 5.1 There are no designated heritage assets within the application site, however, the proposed turbine would be located such that it would potentially have an impact on the setting of a large number of designated heritage assets. Within 5km of the application site are 7 Scheduled Ancient Monuments, 10 Grade I, 21 Grade II* and 321 Grade II Listed Buildings, 7 Conservation Areas, 1 Grade II Registered Park and Garden (Battlesden Park) and part of a Grade I Registered Park and Garden (Woburn.) In addition, within 10km it has been identified that the Scheduled Ancient Monuments of Totternhoe Castle and Maiden Bower are of high sensitivity which could be affected by long range changes in their setting.

- 5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities such that when considering planning applications which affects a listed building, or its setting, special regard must be given to the desirability of preserving the building or its setting. This means that significant weight should be given to any harm to the setting of Listed Buildings, no matter what the degree of harm.

- 5.3 Paragraph 12 of NPPF sets out national policy when considering applications for development which would affect heritage assets. Paragraph 132 states:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. 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."

- 5.4 Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm or total loss of significance to a designated heritage asset, planning permission should generally be refused (except in certain provided circumstances). Paragraph 134 states that where a proposal would result in less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 5.5 The NPPF defines the setting of a heritage asset as:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

As such, setting may be very limited to a spatial area very close to a heritage asset, or it may cover a large geographical area. The extent of the setting of a heritage asset will depend on the scale and nature of the heritage asset, and the surrounding topography and land cover.

- 5.6 Historic England has published good practice advice to assist in considering proposals which would affect the setting of heritage assets. It explains that it is important to assess whether the proposal would be in the setting of a heritage asset, the degree of importance of the setting of the heritage asset to its significance and whether or not the proposal would be harmful to those aspects of the setting which contributes to the significance of the heritage asset. A proposal would therefore only be harmful to a heritage asset if it would affect the setting of the heritage asset in such a way as to degrade the significance of the heritage asset.

- 5.7 At a local level, the proposal is in the area covered by the South Bedfordshire Local Plan, which has no saved policies relating to heritage assets, with the exception of Registered Parks and Gardens. However, the Registered Parks and Gardens are in the area covered by the Core Strategy and Development Management Policies (November 2009). The Core Strategy and Development Management Policies contains policy CS15, which states that the Council will protect, conserve and enhance the district's heritage, including its Listed Buildings, Scheduled Ancient Monuments, Conservation Areas, Registered Parks and Gardens and archaeology and their setting. Guidance Note 1: Wind Energy Development reflects the policy position within the NPPF, as do emerging policies within the draft Local Plan.

- 5.8 It is noted that the Guidance Note states, at paragraph 12.12 that onshore wind turbines are generally consented on the basis that they will be time limited in operation, therefore the length of time for which consent is sought should be considered as part of the decision making process when considering any indirect effect on the historic environment, such as effects on the setting of designated heritage assets.
- 5.9 A Cultural Heritage Assessment was submitted with the application and later upgraded to reflect both the alteration to the proposed turbine design and also the initial comments of Historic England. The assessment decided that the vast majority of the heritage assets would not be affected by the turbine on the basis of their distance from the site and the limited extent of their setting, resulting in a conclusion that no component of their setting relied on views that would be adversely affected by the proposed turbine. This conclusion was not disputed by Historic England. However, the Council's Conservation Area has raised concerns about the impact of the proposal on the setting of the Listed Buildings in the Eggington Conservation Area and also the Sewell Conservation Area and the Listed Buildings within it (which were excluded from the original study area of the assessment, being located 8km from the site).
- 5.10 Those assets which were identified for further study within the assessment included the Registered Parks and Gardens, 7 Conservation Areas, Churches, Large Houses and Scheduled hilltop or moated sites.
- 5.11 Within these categories, the report further excluded some additional assets on the basis that the proposed turbine would not harm the significance of the heritage asset, either because it would not be visible within the setting of the heritage asset or its presence in the setting would not impact on the significance of the heritage asset. Not all of these conclusions were supported by Historic England and/or the Council's Historic Environment Officers.
- 5.12 The more detailed assessment argued that the proposal would not result in harm to the significance of the majority of the heritage assets, and those that would experience harm would only experience it to a negligible degree. In some cases, these conclusions were also disputed by Historic England and/or the Council's Historic Environment Officers.
- 5.13 Historic England and the Council's Historic Environment Officers have disputed the conclusions of the submitted Assessment or raised concerns in regards to the impact of the proposal on the settings of Woburn Abbey and the Woburn Registered Park and Gardens, Battlesden Park and Gardens and the Church of Saint Peter and All Saints in Battlesden (Grade I), The Hoults, Maiden Bower and Totterhoe Castle Scheduled Ancient Monuments,

Potsgrove Church (Grade II*), the Conservation Areas at Eggington and Sewell and the Listed Buildings within them and All Saints Church in Leighton Buzzard. Public consultation has also raised concerns in regards to All Saints Church in Soulbury (Grade II) and St Leonards Church in Heath and Reach (Grade II).

- 5.14 In regards to the settings of Woburn Abbey and the Woburn Registered Park and Gardens, Battlesden Park, The Hault, Maiden Bower and Totternhoe Castle Scheduled Ancient Monuments and Potsgrove Church (Grade II*) Historic England and the Council's Historic Environment Officer determined that the level of harm that would be caused to the significance of these heritage assets would be low-moderate. These conclusions were based on a combination of factors, including the level of intervisibility between the asset and the turbine, the level of intrusion the turbine would cause within the setting of the asset and the contribution that the setting of the asset makes to its significance. Using these same factors, it is considered that the level of harm to the setting of the Soulbury and Heath and Reach Churches would also be low.
- 5.15 In response to the representation from Savills, it should be noted that Woburn Abbey and the associated Registered Park and Garden is not located within 2km of the site.
- 5.13 Sewell Conservation Area and the Listed Buildings within it are located on an escarpment which looks over the countryside and the Conservation Officer has confirmed that the significance of the Conservation Area can be in part attributed to its landscape setting. However, the turbine would be located over 8km from the boundaries of the Sewell Conservation Area and while its presence within the landscape would represent a modern intrusion, which would exacerbate the harm already caused by the existing Double Arches turbine, it would be sufficiently distant that it would not overwhelm or undermine the surrounding rural landscape, and therefore the level of harm to Sewell Conservation Area and its Listed Buildings is also considered to be low.
- 5.14 All Saints Church in Leighton Buzzard is a Grade II Listed church with an imposing spire and is a local landmark in views from around Leighton Buzzard and Linslade, with these long distance views contributing to its significance. Within some of the long distance views, the proposed turbine would, in conjunction with Double Arches, compete with and dominate over the spire of the church, diminishing its importance as a landmark. However, the topography of the area means that other long distance views would be unaffected and the built up area around the church means that short to medium range views would also be unaffected. The harm to the setting of All Saints Church is therefore determined to be low to moderate.

- 5.15 Eggington Conservation Area is also considered by the Conservation Officer and Historic England to owe part of its significance to its historic landscape setting, and although the turbine would not be visible from the village core of the Conservation Area, it would be a significant feature in the middle distance of views from the north of the western end of the Conservation Area, as is the existing Double Arches turbine. The Conservation Officer has raised concerns that the existing and proposed turbines would cumulatively dominate the landscape to the detriment of the character and significance of the Conservation Area.
- 5.16 However, it is considered that the rural landscape to the south of the village is equally important to the significance of the Conservation Area, and more open to views from the Conservation Area as a result of the topography of the village, the surrounding woodland and the location of most buildings within the village on the north side of the road. Views to the south would be unaffected by the proposal and it is considered that the level of harm that would be caused by the proposal on the setting of the Conservation Area as a whole and its historic significance would also be low to moderate.
- 5.17 The Heritage Asset which has been identified as that which would suffer the most harmful impact as a result of the proposal is the Church of Saint Peter and All Saints, Battlesden. This church is Grade I Listed, meaning that is considered to be of exceptional interest in a national context. The church has 13th century origins, which were reworked in the 14th and 15th century. It is currently on the Historic England Heritage At Risk register as it is in poor physical condition.
- 5.18 The submitted Assessment dismissed the importance of Battlesden Church, stating "The Church of Saint Peter and All Saints, Battlesden is a modest church with a short tower; it is not a landmark in the wider area and will not be considered further." Historic England, in their comments, has said "The church has a discrete presence, being situated within the woodland of the registered parkland and with a comparatively diminutive appearance. However there is importance in the views to and across the asset, particularly when considering its location within a designed parkland and the wider rural landscape."
- 5.19 Because of the landform and woodland cover, views of Battlesden Church are only obtainable from the west, looking east towards the church, with the main views being found on the access road to the church from the village of Battlesden. The turbine would be located only 1.76km from the church, to the east and would therefore be a dominant feature in the main views of the church. There would be one incidental view through a gap in the hedge on the access to Battlesden village where the turbine would be located almost directly above the church. Within the main, planned, views of the church from the hill directly opposite the church (on the access between the village and the

church) the turbine would not be so obtrusive, being located to the south of the church, and so would not directly compete with it, however, the turbine would be a significant modern intrusion and distraction within this view, with the turning blades being wholly visible, and a large part of the tower of the turbine. The proposed turbine would be more intrusive than the existing Double Arches turbine, which is further south west and thus has a more peripheral location within this view.

- 5.20 Historic England have assessed the harm of the proposal to the significance of Battlesden Church to be less than substantial, stating that they consider it be at the higher end of that scale, and describing the level of harm as "moderate to high". The Council's Conservation Officer agrees with this assessment.
- 5.21 In conclusion, the proposal would result in less than substantial, moderate - high level of harm to the significance of a Grade I Listed Church, and in a low-moderate level of harm to the significance of a number of other heritage assets, including Conservation Areas, Grade I and II Registered Parks and Gardens, a small number of Listed Buildings of three grades and three Scheduled Ancient Monuments. In accordance with Section 66 of the Listed Building and Conservation Areas Act, significant weight is given to this identified harm. Despite assertions by Savills, neither Historic England nor the Council's Conservation Officers have identified "substantial" harm to any heritage asset as a result of the proposal.
- 5.22 Section 12 of the NPPF states that applications which would result in less than substantial harm should be weighed against the public benefits of the proposal. Historic England has suggested that it is also important to determine if the same benefits could be achieved through a less harmful scheme and to seek ways to minimise the impact on Battlesden Church.
- 5.23 It is considered that, realistically, the same benefits could not be achieved through an alternative scheme which would be less harmful. In addition, because of the nature of the proposal, there are also no realistic opportunities to reduce the identified impact of the scheme on the surrounding heritage assets. The only available mitigation would be if the proposal were to include a project to better reveal the historic significance of Battlesden Church, for example, by providing repairs, research or interpretation. This would be in line with paragraph 137 of the NPPF. The applicant has agreed to accept a condition to submit and implement a scheme that would better reveal the significance of Battlesden Church.
- 5.24 It is considered that the proposed turbine would have a similar impact on the significance of surrounding heritage assets as the existing Double Arches turbine with the exception of the impact on Battlesden Church, where its closer proximity to the church in the main views of the church would result in

an increased impact. This additional impact would be partly mitigated by a scheme which would result in a better revealing of the significance of the church.

- 5.25 The introduction of a second turbine in the landscape would result in an incremental increase in harm to the identified heritage assets, but this would only be incremental as the baseline for the setting of the identified assets does include the existing Double Arches turbine. In this case, the proposal would result in a doubling of the environmental benefits, yet it is not considered that the introduction of a second turbine would cause twice as much harm to the historical significance of surrounding heritage assets as the initial introduction of the first turbine into the landscape.

6. Ecology

- 6.1 A full ecological survey of the site was carried out in accordance with guidance from Natural England, with surveys taking place in 2015. The survey identified that the only protected species likely to be affected by the proposed turbine were Bats and Birds and more detailed survey work for these two categories was carried out. In addition, two years worth of Bats and Birds monitoring reports for the Double Arches turbine have been submitted during the application process. No evidence of Badger use was found within the study area.
- 6.2 The methodology for the bird surveys followed that agreed with Natural England and the Council for the Double Arches application. The bat surveys were carried out in accordance with the latest advice from Natural England, set out in Technical Information Note TIN051: Bats and onshore wind turbines Interim Guidance (March 2014).
- 6.3 The nearest SSSI designated for its biological importance is King's and Baker's Wood and Heaths SSSI, which is approximately 0.9km northwest of the proposed turbine location. This SSSI is separated from the proposed turbine location by the woodland, fields, a quarry and Woburn Road and as such the Ecological Assessment concluded that there is not likely to be a significant adverse impact on the SSSI. The other nearest SSSI is Double Arches Pit, however, there will be little impact on this SSSI as it is nationally notable for geological rather than biological reasons.
- 6.4 The land to the west, north and south is designated as Double Arches Pit County Wildlife Site (CWS). The citation states that the CWS is designated for its 'mosaic of habitats including waterbodies marshy grassland, acid grassland, neutral grassland, calcereous grassland, scrub and developing woodland'. The CWS is located some 100m away from the base of the turbine at its closest point. Much of the CWS comprises an active sand quarry and the Ecological Assessment determined that the nature of the

development meant that there was unlikely to be a harmful impact on the aspects of the CWS which led to its designation.

- 6.5 In accordance with the previously agreed methodology for Double Arches, the study area included the site and land within 200m. The site itself comprises arable land and is therefore of negligible ecological value, although hedgerows surrounding the site and the plantation to the north were considered more likely to be of ecological interest. The proposal does include the removal of an existing hedgerow to facilitate access. The ecological report recommends the planting of a replacement hedgerow comprising diverse native species once construction is complete.
- 6.6 Bat surveys were carried out between April-October 2015 and comprise two remote detectors, positioned at the edge of the plantation and at a point 50m away from the proposed turbine location. Walked transect surveys were also carried out monthly between April and October, and monthly vantage point surveys were carried out between June and October.
- 6.7 The surveys discovered high numbers of Pipistrelle species (excluding Nathusius), suggesting that the environs around the site are an important foraging resource for Pipistrelles. Relatively frequent records of Noctule and Myotis species were also detected, although evidence indicated that Noctules were mainly commuting through the site rather than foraging within it. The woodland and lake to the north east and north west of the site are likely to be high quality foraging areas. Rarer species of bats, including Nathusius Pipistrelle, Barbastelle, Serotine, Leisler's and Noctule were recorded infrequently during the survey work. No bats were recorded flying directly through the proposed turbine area and records were concentrated on the boundary features around the site.
- 6.8 The proposed siting of the turbine was determined by its relationship with adjoining woodland and hedgerow features in accordance with Natural England guidance, to ensure that the blade tip would not come within 50m of any vegetation feature to prevent bats from being discouraged from using their normal foraging and commuting routes. The subsequent adaptation to the design of the turbine has increased the separation distance as the turbine blade would now be a minimum of 56.5m above the ground, rather than the originally proposed 37.5m. This alteration to the proposal has also raised the blades above the 50m from the ground which is the normal maximum foraging height for Noctules.
- 6.9 Utilising evidence from the surveys and guidance from Natural England the Assessment concluded that the proposal would be unlikely to cause a significant risk to populations of any of the identified species of Bats seen within the study area as no roosts were identified within the immediate proximity of the site and the turbine has been sited away from commuting and

foraging landscape features in accordance with Natural England guidance. The Assessment proposes the provision of 20 bat boxes of varying designs to be provided for installation off-site at a location to be agreed with Bedfordshire Bat Group to allow enhancement for bats.

- 6.10 The two bat surveys which were carried out on the Double Arches in 2015 and 2016 included 12 corpse searches between March and October 2015 and 7 corpse searches between June and October 2016 (the turbine was not working between March - June 2016). No bat corpses were discovered and no bats were observed colliding with the turbine or flying through the blade area. In both years the numbers of bat species were found to be higher than the pre-construction surveys carried out in 2009, although the number of bat records was lower in 2016 than in 2015. However, it should be noted that flooding prevented access to part of the site in 2016 where previously high levels of activity were recorded. Bats were more frequently detected at the base of the turbine rather than the nacelle. These surveys concluded that the Double Arches turbine does not appear to be having a significant effect on local bat populations, including those in the high risk category.
- 6.11 The methodology followed for the bird survey was as agreed with Natural England and the Council for the Double Arches application, with a 200m study area and a target list of the following species: raptors (including Buzzard and Red Kite), Night Jar, Golden Plover, Lapwing and Barn Owl and a secondary list of Skylark, Tree Pipit, Cuckoo, Fieldfare, Yellowhammer, Lesser Spotted Woodpecker and Sand Martin.
- 6.12 The Breeding Bird survey identified little activity by target species within the site, although Buzzards may be breeding within the plantation to the north east of the site. The distance from the site and the probability of Buzzards being hit, calculated in accordance with guidance provided by Scottish Natural Heritage indicates that the location of the nest would not result in a high probability of Buzzard collision.
- 6.13 Vantage point surveys discovered low to moderate numbers of target and secondary species in the study area, which would equate to relatively few bird passes through the turbine area. The assessment concluded there would be a low risk of bird strike for these species.
- 6.14 Results from the Double Arches Bird Monitoring survey found only one corpse over the two years which is likely to have died from bird strike, a Herring Gull. The monitoring work found that species numbers, individual bird numbers and the number of confirmed or potential breeders had all increased within the study area from 2009 survey to 2016 survey. This suggests that the presence of the Double Arches turbine is not resulting in significant levels of bird mortality, or reducing the numbers of species utilising the site and its surroundings. The evidence also indicates that target species are not

avoiding the site.

6.15 The Council's Ecologist has carefully considered the evidence submitted and she does not dispute the findings of any of the reports. She has recommended a condition to include bat and bird mortality monitoring and ecological enhancements.

6.16 Subject to the imposition of the recommended condition, it is considered that the proposal would not have a significant effect on biodiversity in the area, including on habitats or protected species, and the proposal is therefore considered to comply with the requirements of Section 11 of the National Planning Policy Framework.

7. Noise

7.1 The NPPF states that when determining planning applications for wind energy, local planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy (EN-3).

7.2 EN-3 explains: The method of assessing the impact of noise from a wind farm on nearby residents is described in the report, 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97). This was produced by the Working Group on Noise from Wind Turbines Final Report, September 1996 and the report recommends noise limits that seek to protect the amenity of wind farm neighbours. The noise levels recommended by ETSU-R-97 are determined by a combination of absolute noise limits and noise limits relative to the existing background noise levels around the site at different wind speeds.

7.3 EN-3 goes on to state: "Where the correct methodology has been followed and a wind farm is shown to comply with ETSU-R-97 recommended noise limits, the (decision maker) may conclude that it will give little or no weight to adverse noise impacts from the operation of the wind turbines."

7.4 The National Planning Practice Guidance states: "The report, ETSU-R-97: The assessment and rating of noise from wind farms should be used by local planning authorities when assessing and rating noise from wind energy developments. Good practice guidance on noise assessments of wind farms has been prepared by the Institute of Acoustics. The Department of Energy and Climate Change accept that it represents current industry good practice and endorses it as a supplement to ETSU-R-97."

7.5 Wind turbines result in the creation of two different types of noise, the first being mechanical noise from the internal machinery such as the gearbox and the generator and the second being aerodynamic noise generated by the blades rotating in the air.

7.6 Discussions have been ongoing throughout the application process between

the applicants' noise consultants (Hayes McKenzie) and the Council's noise consultants (MAS Environmental) which have covered several areas, including the methodology used to carry out the noise assessment, the use of mitigation, the cumulative impact of the existing Double Arches turbine and the proposed turbine, the cumulative impact of turbine noise and road noise and whether there is a requirement to protect neighbouring occupiers from the possible impacts of Excess Amplitude Modulation (EAM).

- 7.7 It is now acknowledged by all parties that the recommended condition 10, which has been agreed between MAS Environmental, Hayes McKenzie, the Council and the applicant would ensure that the cumulative impact of the proposed turbine and the existing Double Arches turbine would not breach the ETSU-R-97 recommended limits for any neighbouring property and, as such, the proposal is considered to meet the requirements regarding turbine noise in accordance with relevant guidance. It should be noted that application CB/14/04463/VOC in respect of noise limits at Double Arches was also approved because all parties agreed that the increase in noise limits would be unlikely to breach the limits of ETSU-R-97. It is noted that the limits have been calculated in accordance with the Institute of Acoustics best practice guidelines.
- 7.8 Given the planning history of Double Arches, it is considered appropriate to expand on the matter of EAM. Amplitude Modulation is also known as blade swish, and ETSU-R-97 does make some allowance for the effects of Amplitude Modulation. However, Excess Amplitude Modulation (EAM) has been identified as a problem that occurs at some wind developments above the expected level allowed for within ETSU-R-97.
- 7.9 When planning permission was granted in 2011 for the Double Arches turbine, a condition to control the effects of EAM was imposed. This condition was removed under planning permission reference no. CB/13/02037/VOC in September 2013 on the basis that there was insufficient evidence to show that it was reasonable and enforceable, which is considered to be a reasonable decision based on the available evidence at the time.
- 7.10 However, since then, the government has commissioned a research team lead by WSP Parsons Brinkerhoff to explore the impacts on Amplitude Modulation in relation to wind turbines. The report was completed in July 2016. The Department for Business, Energy and Industrial Strategy encourages planning authorities to consider this research when determining if an EAM condition would be appropriate.
- 7.11 The Parsons Brinkerhoff report found significant evidence that where EAM occurs, the adverse affects can be significant. It states that it is impossible to predict at the planning stage whether or not a project is likely to lead to EAM and therefore a condition should always be imposed. During the application

process the applicant originally argued that the existing Double Arches turbine does not produce EAM and therefore the current proposal would not result in EAM. However, this argument was considered to be flawed in two factors, firstly, some of the respondents to the consultation on this planning application have reported a noise impact from the Double Arches turbine which could equate to EAM and it is therefore possible that the Double Arches turbine does occasionally generate EAM; and secondly, that the interaction between the existing and proposed turbines may cause EAM, and that the relationship between the two turbines would be more likely to result in EAM than an individual turbine.

- 7.12 In addition, it is noted that the Institute of Acoustics Noise Working Group, in 2016, produced a document called “A Method Rating Amplitude Modulation in Wind Turbine Noise” which provides a method to measure EAM and therefore EAM controlling conditions are now more enforceable.
- 7.13 As such, it is considered that the proposed EAM conditions would meet the six tests for planning conditions and would provide an adequate protection for neighbouring residents in regards to the potential impacts of EAM.
- 7.14 SCWT has queried why the proposed EAM condition does not also apply to the existing turbine at Double Arches. It should be noted that the turbine at Double Arches is not part of this application and planning law does not permit the imposition of conditions which would seek to control a turbine that is not part of the application. However, it would be in the best interests of the applicant to ensure that neither turbine emits EAM, as any reports of an incidence of EAM in the area would require investigation under recommended conditions 11 and 12.
- 7.15 MAS Environmental raised concerns about the levels of mitigation, stating that they did not consider that the applicant had sufficiently complied with Section 11 of the NPPF, which requires planning decisions to “mitigate and reduce to a minimum” adverse impacts on health and quality of life. The applicant has pointed out that the site design was heavily influenced by a requirement to reduce noise impacts on neighbours to a minimum, and this was acknowledged by MAS as a mitigating factor as the siting means that downwind impact from both turbines would occur in similar directions. Furthermore, the agreed conditions would mitigate the impact to levels deemed acceptable by government guidance. MAS acknowledges that, other than switching the turbine off, there are no other real mitigation options available. It is therefore considered that the proposal complies with Section 11 of the NPPF as it applies to noise impacts.
- 7.16 The final point of contention is the cumulative impact of turbine noise and road noise for properties along the A5. MAS are concerned that these properties would be likely to experience night time noise levels that would exceed World

Health Organisation recommended levels for night time noise. They are also concerned that there would be a loss of respite and a significant increase for these dwellings, which already experience high levels of road noise.

- 7.17 The applicant has argued that the submitted data shows that, for those dwellings likely to be most affected by traffic noise, the proposed cumulative impact from turbine noise would be significantly below ETSU-R-97 limits. Neither party has conducted modelling assessments to assess how likely it is that WHO night-time noise limits would be breached by the proposal, or the likelihood of cumulative road and turbine noise breaching the limits set out in ETSU-R-97.
- 7.18 Nevertheless, both MAS and the Council's Environmental Health Officer have conceded that, as the proposal with the recommended conditions would meet the limits within ETSU-R-97 and the current national planning policies and guidance in relation to noise impacts of wind turbines, a refusal of the application on this basis would be unlikely to be successfully defended in an appeal situation. As such, it is noted that the proposal, in this aspect, is fully policy compliant and the noise impacts are deemed to be acceptable.
- 7.19 It is noted that the SCWT campaign group has concerns about the effectiveness of ETSU-R-97 in protecting neighbouring residents from unacceptable levels of wind turbine noise. However, current government policy and guidance are clear that if a proposal complies with the requirements of ETSU-R-97 then decision makers should consider that the noise impacts of a wind proposal would be acceptable.

8. Impact on Neighbouring Amenity including Visual Impact and Shadow Flicker

- 8.1 In addition to noise, it is considered that the proposed turbine would have the potential to have an adverse impact on the amenity of neighbouring residents, having regard to visual impact and shadow flicker.
- 8.2 Visual Impact
The right to a view is not a material planning consideration and the disruption of individual views would not be an appropriate reason to refuse an application. However, if the proposal would give rise to an oppressive or overwhelming impact to an individual property or properties, then this would be a material consideration in the determination of this application.
- 8.3 This was established in a public enquiry for wind development at Enifer Downs, when the Inspector, David Lavender stated: "when turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but

not necessarily uninhabitable) place in which to live. It is not in the public interest to create such living conditions where they did not exist before." This has come to be known as the Lavender Test.

- 8.4 The submitted Landscape and Visual Impact Assessment (LVIA) concluded that dwellings within town and villages within the area would not be subject to unbearable overwhelming views from the main views from the house or garden, through a combination of factors including separation distance and the screening of views through topography, vegetation and / or other buildings. It does identify potential significant visual impact to a small number of dwellings on the eastern edge of Great Brickhill, but not to the extent of breaching the Lavender Test. Officers agree with these conclusions.
- 8.5 However, the LVIA does not deal in detail with the individual properties and small settlements which are in closer proximity to the turbine, including Overend, Potsgrove and Sandhouse Lane. The LVIA briefly summarises the impact on individual residential properties, by saying that views are likely to be screened or partially screened by buildings, landform or vegetation and therefore not all views of the proposed turbine within 4km would be significantly affected. This is not considered to be sufficiently representative of the situation for individual dwellings in these three locations.
- 8.6 Individual assessments on properties in Overend, Potsgrove and Sandhouse Lane have been carried out by the case officer as follows.
- 8.7 Overend is a small cluster of dwellings located approximately 950m from the application site. Dwellings on the north east of the road would have direct and significant views of the proposed turbine from their rear windows and rear gardens. It is noted that the existing Double Arches turbine is located approximately 550m from the dwellings on the north east side of Overend on a similar line of sight (less than 10 degree angle).
- 8.8 At the time the Double Arches turbine planning application was considered, officers recommended refusal on the basis that that turbine would be overbearing to occupiers at Overend Green Farm. However, it was determined by the Development Management Committee that the environmental benefits outweighed the harm that would be caused to neighbouring occupiers.
- 8.9 The proposed turbine would be set some 400m further away from dwellings in Overend than Double Arches, and the angle of sight would mean that both turbines would be viewed as clearly separate structures, but in a relatively tight cluster; perspective and distance would reduce the impact of the proposed turbine on the outlook from Overend. The line of sight, means that the proposal would not have such an encroachment on wider views from the windows and garden than if the angle of sight between the two turbines from

the dwellings were greater. As such, the proposal on its own would not have a substantially greater impact on the occupiers of dwellings in Overend than the existing turbine. However, the cumulative impact of the two turbines would be significantly adverse on the amenities of the occupiers of dwellings on the north east side of Overend, where the angle of site would be greatest.

- 8.10 Potsgrove is located to the north east of the application site, some 1.05km from the turbine. In this case, the proposed turbine would be closer to the site than the existing Double Arches turbine and would therefore have a greater visual impact on occupiers on Potsgrove than occupiers on Overend. However, from dwellings in Potsgrove the angle of sight between Double Arches and the proposed turbine would be even less (under 6 degrees) than from Overend, which would slightly reduce the level of impact. The cumulative impact of the existing and proposed turbines would again be significant and adverse, but it is noted that the separation distance from Potsgrove to this turbine would be almost twice that from Overend to the Double Arches turbine. ..
- 8.11 Dwellings in Sandhouse Close and Sandhouse Lane are located to the north west of the site, with a minimum separation distance of approximately 550m. The side elevation of the dwellings would face the turbine and therefore only oblique views of the turbine would be visible from the rear windows of the dwellings and none at all from the front windows. The turbine would be visible from some of the rear gardens (depending on the individual levels of landscape screening) and where it would be visible it would be a significant feature in views to the south east. However, views directly behind the gardens and to the west and north would be unaffected. It is considered that the level of impact on these dwellings, even taken cumulatively with the Double Arches turbine would not be sufficient to present an overwhelming or unavoidable presence in main views from the houses or associated gardens.
- 8.12 Concerns were also raised about the impact of the proposal on the occupiers of Stockgrove Park, a converted school comprising 7 flats. Stockgrove Park is located some 2.5km from the application site and the turbine would be viewed in the middle distance over a rolling landscape comprising woodlands, fields and a quarry. At this distance and in this context it is not considered that the turbine would appear unduly dominant.
- 8.13 In conclusion, it is considered that the cumulative impact of the turbine in combination with Double Arches on the visual amenities of individual neighbours at Overend and Potsgrove would be significant. Other local residents would experience a lower impact on their visual amenities.
- 8.14 Shadow Flicker
A wind turbine can cast long shadows, when the sun is low in the sky. When the sun is specifically positioned in the sky with respect to a turbine and the

window of a neighbouring dwelling, this shadow may pass over the window, potentially causing a drop in light levels which comes and goes with each pass of a blade. This is known as shadow flicker.

- 8.15 National Policy Statement EN-3 advises that the impact of shadow flicker on occupied properties within 10 rotor diameters of the proposed turbine should be assessed. It states that the intensity of the shadow of the rotating blades from turbines at distances from such buildings of 10 rotor diameters and beyond is sufficiently diminished so as to have no significant impact on occupied buildings.
- 8.16 Furthermore, dwellings located to the south of the proposed turbine would not be affected by shadow flicker as the sun will never be in the north in the UK. For UK latitudes only properties located in a zone 130 degrees either side of north may be affected by shadow flicker.
- 8.17 Shadow flicker will only occur if a combination of certain factors exist concurrently, which are:
- clear skies and good visibility;
 - the sun needs to be low in the sky and in a specific position with respect to a turbine and the windows of a property;
 - the wind must be blowing sufficiently to turn the wind turbine; and
 - the wind must be blowing in a direction such that the rotor is rotating in a plane perpendicular to an imaginary line drawn between the wind turbine, the sun and the property window.
- 8.18 A revised shadow flicker assessment was provided when the application was amended to provide a smaller turbine. The assessment identified 8 properties within 10 rotor blades of the proposed turbine within 130 degrees of north, but took a precautionary approach by increasing the study area by a further 10%, resulting in 13 properties being identified for assessment.
- 8.19 The assessment looked at screening around the dwellings and determined that none of them were sufficiently screened that no mitigation would be required. As such, assessment has been carried out on the "bare earth" principle.
- 8.20 The assessment noted that, in total, there is a maximum of 152 days when shadow flicker would be experienced at any property, with the maximum for an individual property being at Checkley Wood Farm, which has the potential to experience shadow flicker on 79 days.
- 8.21 The longest potential experience of shadow flicker on any one day was 34.2 minutes at 1 Sandhouse Cottages. In total, there is a maximum of 88 hours per annum at which a property or group of properties would potentially be affected by shadow flicker, if the other conditions were present. This is 1% of

the potential hours in a year. This is comparable to the Double Arches, which predicted a maximum 86 hours per annum when shadow flicker could be caused.

8.22 National Planning Practice Guidance states:

"Modern wind turbines can be controlled so as to avoid shadow flicker when it has the potential to occur. Individual turbines can be controlled to avoid shadow flicker at a specific property or group of properties on sunny days, for specific times of the day and on specific times of the year. Where the possibility of shadow flicker exists, mitigation can be secured by condition."

8.23 A sensor to detect sunlight in combination with an automatic reading of wind direction can be used along with a programme to automatically switch off the turbine when the conditions for shadow flicker exist. This is the approach which has been taken at Double Arches. It was noted that in 2015, the Double Arches turbine only had to shut down for 44 hours as this was the only time when conditions existed. It is considered that a similar condition as that imposed on the Double Arches permission would adequately protect neighbouring residents from shadow flicker impacts.

8.24 A number of concerns were raised by local residents regarding the impact of the proposal on house prices in the area. It is noted that this is not a material planning consideration and can have no impact on the determination of this application.

9. Electromagnetic Interference including Aviation and Television Reception

9.1 Aviation and MOD Radar

Wind turbines can have an impact on aviation operations, either as a result of being a physical hazard during the landing or take off of aircraft by interrupting an aerodrome's 'protected airspace' or as a result of being visible on a radar used for the guidance of aircraft in flight.

9.2 Consultation has confirmed that there is no objection from the Ministry of Defence who have requested a condition that the turbine be fitted with MoD accredited 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. Such a condition is recommended. A condition is also recommended that would oblige the developer to provide the notifications requested by the MOD at construction stage.

9.3 In respect of civil aviation, no safeguarding concerns were raised by the National Air Traffic Services (NATS). The Civil Aviation Authority did not specifically comment on the application, instead providing advice on consultation with NATS, MOD and local aerodromes. London Luton Airport

did not object to the application and Cranfield Airport and the London Gliding Club at Dunstable Downs did not respond to either of the Council consultations that were sent to them. It is therefore considered that, subject to the recommended conditions, the proposal would not have any impact on aviation safety or radar operation associated with aviation.

9.4 Telecommunications

The National Planning Practice Guidance advises that wind turbines can potentially affect electromagnetic transmissions (e.g. radio, television and phone signals). Specialist organisations responsible for the operation of electromagnetic links typically require 100m clearance either side of a line of sight link from the swept area of turbine blades. Ofcom acts as a central point of contact for identifying specific consultees relevant to a site.

- 9.5 Ofcom confirmed in response to consultation that no links were found within the search area (500m of the turbine). The MET Office raised no objections to the proposal and the Joint Radio Company confirmed that the proposal would not have a harmful impact with respect of radio link infrastructure operated by Southern Gas Networks. Anglian Water did not reply to Council consultation, but confirmed in writing to the applicant that they have no links in the area that would potentially be affected by the proposed turbine.

Television Reception

- 9.6 Television interference as a result of the turbine is one of the most often cited causes for concern in individual objection letters both to the Council and to the applicant's pre-consultation response. Forty four individual objection letters to the Council raised concerns about television interference. It has also been raised as a concern by Heath and Reach and Potsgrove Parish Councils.
- 9.7 Section 5 of the NPPF confirms that broadcast interference is a material planning consideration. Paragraph 44 states that local planning authorities should, when considering applications for new development, consider the possibility of the construction of new structures interfering with broadcast and telecommunications services. No further advice is given as to how much weight should be given to this matter, either in the NPPF or the National Planning Practice Guidance and it is therefore considered that this is a matter of planning judgement for decision makers.
- 9.8 The operation of the Double Arches turbine has resulted in television problems for a number of occupants in Heath and Reach and Leighton Buzzard. 147 complaints were received by the applicant, who sent engineers out to each property to resolve the problems. Of these, 10% were found not to be related to the turbine, with problems attributed to issues such as disconnected leads or faulty receivers.
- 9.9 The other 90% of cases were attributed to the turbine and various solutions

were implemented, including aerials being turned from the Sandy Heath transmitter to Oxford or Crystal Palace transmitters (44%), the replacement of aerials and/or amplifiers (41%) and the installation of satellite dishes and/or Freesat boxes (5%).

- 9.10 Some residents whose aerials were redirected have expressed dissatisfaction with the solution, explaining that it means that they no longer have access to local news services.
- 9.11 A study has been carried using guidance produced by Ofcom out to determine the potential impacts of the proposed turbine on television reception. The study includes the cumulative impacts of both Double Arches and the proposed turbine. It is noted that the area at risk from cumulative impacts is not significantly extended beyond the predicted impact of Double Arches.
- 9.12 It appears possible that properties to the north east of the turbine would lose access to television services from the Oxford transmitter, as far afield as Flitwick, however, aerials in these locations are likely to be currently turned to the Sandy Heath transmitter, which provides the strongest signal and the most local news service (Look East, western sub-region for BBC and Anglia West for ITV) so the loss of signal from the Oxford transmitter would be unlikely to cause inconvenience or disruption to occupiers to the north east of the turbine.
- 9.13 Occupiers to the south west of the turbine (including Heath and Reach and the northern part of Leighton Buzzard) would be at risk of losing signal from the Sandy Heath transmitter as a result of the proposed turbine. It is noted that Leighton Buzzard and Heath and Reach sit on a three way boundary of television signal availability between the Sandy Heath, Oxford and Crystal Palace and some properties in these settlements already struggle to access an acceptable quality of signal from Sandy Heath (excluding the impacts from the Double Arches turbine). A survey has been carried out and it was determined that 31% of Heath and Reach residents (154 households) 96% of the Leighton Buzzard residents within the area at risk (1,907 households) and 56% of households around Rushmere (166) have aerials turned towards Sandy Heath.
- 9.14 It is noted that the only television services that would be affected are those which are transmitted to aerials. Satellite dishes and cabled television services would not be affected by the proposal. Data is not available on the number of households which rely on television services transmitted to aerials, but it is likely to be a notable proportion of the households identified to be at risk. It is also noted that the figures represent the worst case scenario. Double Arches, with only a slightly smaller area of risk has only resulted in 147 complaints to the applicant.

- 9.15 Ofcom provided advice in 2009 in regards to the impact of tall structures on broadcast services, which includes an appendix on the impact on wind development. It suggests that appropriate remedial measures include improvements to existing aerials or the installation of new aerials, turning aerials to alternative transmitters or the provision of satellite or cabled television services. It acknowledges that regional variations in coverage may not always match the preferences of local viewers.
- 9.16 The applicant has suggested a condition which would allow mitigation of any possible television impacts felt by local residents as a result of the proposed turbine. This would require the submission and approval in writing by the Local Planning Authority for a mitigation scheme which would require the applicant, at their cost, to investigate any claims made within 12 months of the operation of the turbine and to resolve them if it should be found that they are a result of the turbine. It is considered this is adequate to ensure that no residents would lose access to high quality television services.
- 9.17 Details of the scheme would be resolved at approval of details stage, but it is likely that the mitigation would involve the turning of more transmitters away from Sandy Heath towards Oxford or Crystal Palace, which do not provide local news services. This is likely to result in some inconvenience to affected households. However, considering the numbers of households likely to be affected, the availability of local news services on the BBC iPlayer website and the lack of consistency in television signal from Sandy Heath already experienced in the community, it is considered that the impact of this would be outweighed by the identified public benefits of the proposal.
- 10. Impact on Recreational Amenity**
- 10.1 There are a number of local footpaths, long-distance routes, sporting facilities and visitor attractions within the vicinity of the application site which would potentially be affected by the proposed turbine.
- 10.2 In terms of visitors' attractions, the only two within 4km of the site which would have the potential for significant effects are Rushmere Country Park (which includes Stockgrove Park) and Woburn Abbey.
- 10.3 Rushmere Park is a heavily wooded country park set in a rolling landscape, and from most areas of the park the turbine would be wholly screened from views by woodland and / or the topography of the land. Whilst some views of the turbine would be available in higher and more exposed areas of the park it is considered that these would not be a dominant, unavoidable or oppressive and would not have a significant impact on the experience of the country park.
- 10.4 Woburn Abbey gardens and deer park, whilst more open are still well wooded and situated further away from the site. Again, a mixture of topography and vegetation would limit views of the turbine to very small areas of the park and

those views are likely to be intermittent and contained to the tips of the blades. It is therefore not considered that the proposal would have a materially harmful impact of the experience of Woburn Abbey and its grounds.

- 10.5 Long distance routes which cross within 4km of the turbine (the limit at which significant impacts to viewpoints are predicted) are the Greensand Ridge Walk, the National Byway, Milton Keynes Boundary Walk, Grand Union Canal Walk and Sustrans Route 6. The Grand Union Canal Walk and Sustrans Route 6 follow the canal through most of the study area and is low lying with consistently high levels of vegetation and few views out. The proposed turbine would therefore have a very limited impact on users of these two routes.
- 10.6 The Greensand Ridge Walk, the National Byway and the Milton Keynes Boundary Walk follow similar routes within 5km of the turbine. The Greensand Ridge Walk is the closest and most likely to be affected by the turbine. There will be parts of the walks, in elevated and open locations where the turbine would be clearly visible, and mostly seen in conjunction with the Double Arches turbine. However, these routes also follow lower land and travel through woodland and other locations with tree boundaries which would either screen views completely or limit views to intermittent and/or partial views. As such, it is considered that the proposal would not have a material detrimental impact on the enjoyment of these long distance routes.
- 10.7 Local rights of way, particularly footpaths 1, 6 & 7 and Bridleway 7 around Potsgrove and Battlesden and Footpaths 1, 2 and 10 and Bridleway 12 around Overend and Heath and Reach would be significantly affected by the proposal for large parts of the routes. Whilst some views would be screened by topography and vegetation, these would not be the majority of views and the proximity of the turbine to the routes means that it would be a significant feature within these views. This would be exacerbated as it would be read in conjunction with the existing Double Arches turbine, which would also feature prominently in most views on these routes.
- 10.8 It is accepted that for some people the turbines would be a point of interest, which would attract them to these routes, whilst for others the turbines would be a detrimental feature, which would deter them from using the routes. However, it is considered that, for those who would be deterred from using the routes by the presence of the proposed turbine, it is likely that the presence of Double Arches has already acted as a deterrent. The routes cannot currently be described as a rural tranquil network as the baseline includes the existing turbine and whilst the proposed turbine would incrementally add to the impact of the existing Double Arches, there would be very few locations where the proposed turbine would be visible and Double Arches would not. It is considered that the cumulative impact of the two turbines on the enjoyment of the local rights-of-way network would not be significantly greater than the

- impact of the Double Arches turbine.
- 10.9 Concerns have been raised about the impact of the proposal on the Heath and Reach Sports Ground. However, the land rises steeply behind the sports ground and the submitted zones of theoretical visibility demonstrates that no part of the turbine would be visible from the sports ground.
- 10.10 Concerns have also been raised about the impact on the Jones Pit Fishing Lakes. The turbine would be located some 220m away from the closest part of the lakes and would therefore be a dominant feature in most locations around the lake complex (albeit the vegetation around the lakes would provide a small number of locations on the south east bank where views would be screened). It is also likely that users of the lakes would experience noise from the turbine under certain wind conditions.
- 10.11 However, the existing Double Arches turbine, is located only 430m away to the south of the lakes. The proximity of the existing turbine indicates that it is also a significant feature in certain views from the lakes and part of the current experience of fishing within the complex. Whilst it is acknowledged that the proposal may have some detrimental impact on the tranquillity of the site, it is not considered that the level of impact of the proposed turbine would be significant enough to substantially impair the recreational value of the facility.

11. Highways Implications and Access

- 11.1 The turbine would be located some 205m from the A5, which is a trunk road managed by Highways England. Highways England published guidance in 2013 which states that turbines should be set back from highways by a minimum of height plus 50m. In this case, that would be 193.5m, which is less than the proposed set back.
- 11.2 It is noted that a number of respondents have raised concerns about driver distraction. The Highways England guidance advises that distraction should be minimised by the provision of a clear, continuous view of the turbine that develops over the maximum possible length of approach carriageway. They should be sited away from the immediate vicinity of road junctions and crossings. Attention should be given to accident statistics in the area.
- 11.3 It is noted that the turbine would be 800m away from the nearest road junction and would be located on a stretch of road that is relative straight and provides clear continuous views from over 1km away. It is also noted that Highways England raised no objections to the proposal and nor did the Council's Highways Officer. It is therefore considered that the proposal would be unlikely to lead to accidents as a result of distraction.
- 11.4 Access would predominantly utilise the existing access which was used for the Double Arches turbine and is therefore likely to be acceptable, subject to the recommended conditions from Highways England, which are

recommended to be imposed.

- 11.5 It is therefore considered that the highways impacts of the proposal are likely to be acceptable and in this respect the proposal complies with Section 4 of the NPPF.

12. Hydrology, Geology, Flood Risk, Contamination

- 12.1 The site lies wholly within Flood Zone (including the area for the access track) and no objections have been received from either the Environment Agency or local water management bodies. It is therefore considered that there is unlikely to be any increase in flood risk as a result of the proposal.
- 12.2 The Environment Agency has also raised no objections to potential contamination, although two informatives are recommended to ensure the risk of any contamination from cabling is minimised.
- 12.3 The site is located on land that is underlain by the Woburn Sands Formation of Principal Aquifer status. However, the site comprises made up ground, of a likely depth of 22m and is unlikely to result in any impact to the water table or the underlying aquifer. Mitigation measures are outlined within the submitted Hydrological Assessment to ensure that any risk of contamination or disruption is minimised and, if planning permission is granted a condition is recommended to ensure the implementation of the proposed mitigation measures.

13. Minerals and Waste

- 13.1 The application site lies within a designated Minerals Safeguarding Area and is part of the Churchways Quarry Complex. However, sufficient evidence in the form of historic aerial imagery has demonstrated that the site has previously been quarried and restored and, as such, the Council's Minerals and Waste Team consider that it is unlikely that the proposal would result in any unnecessary sterilisation of mineral resources. The proposal is therefore considered to be in accordance with policies MSP11 and MSP12 of the Minerals and Waste Local Plan: Strategic Sites and Policies (Jan 2014).
- 13.2 The submitted environmental report states that any soils excavated during construction would be stored in accordance with MAFF 2000 Good Practice Guidelines and would be used, wherever possible in the restoration of the site. Any excess stored materials would be disposed of in accordance with Environment Agency guidance. This is considered to be acceptable.

14. Decommissioning

- 14.1 An important feature to note in terms of wind energy developments is their general reversibility (in terms of landscape). The wind turbine would operate for a maximum period of 25 years.

14.2 Following this period, the applicant has indicated that the turbine would be decommissioned by the operator, which would involve the removal of all above ground elements to below plough depth and restoration of the site to its current condition, with the exception of the access track.

14.3 It is important that, once the turbine is no longer in use, that it is decommissioned in an appropriate and timely manner and a condition is recommended to secure this. This would ensure that there would be no risk of a derelict turbine being left on the site.

15. Planning Balance and Conclusion

15.1 As noted above, the adopted development plan is relatively silent in regards to renewable energy policy and therefore significant weight is given to the policies within the NPPF and other national policy which places substantial weight on the environmental benefits of renewable energy projects. The NPPF advises that renewable energy projects should be approved where the impacts are, or can be made acceptable.

15.2 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework, taken as a whole, or specific policies in the Framework indicate development should be restricted. Footnote 9 clarifies that this includes policies relating to Green Belt and heritage assets.

15.3 It has been identified in Section 3 of this report that the proposal would be inappropriate development, which is harmful by definition. It has also been identified that the proposal would conflict with one of the purposes of including land within the Green Belt, that of safeguarding the countryside from encroachment. Moderate harm to openness and the visual amenities of the Green Belt has also been identified. Substantial weight should be given to the identified harm to the Green Belt.

15.4 Paragraphs 87 and 88 of the NPPF state that inappropriate development should not be approved except in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

15.5 Other harm as a result of the proposal has also been identified in this report comprising

- limited – moderate harm to landscape character within 2km of the site (Section 4);
- less than substantial (moderate – high) harm to the setting of the

Grade I Listed Battlesden Church and less than substantial (low - moderate) harm to the setting of a number of other heritage assets, including Conservation Areas, Grade I and II Registered Parks and Gardens, a small number of Listed Buildings of three grades and three Scheduled Ancient Monuments (Section 5);

- Limited harm to neighbouring amenity for occupiers at Potsgrove and Overend in respect of impact on outlook, but significant adverse harm when considered cumulatively with the existing Double Arches turbine (Section 8);
- Limited harm to the local rights-of-way network and moderate harm to the Jones Pit Fishing Lakes.

- 15.6 Given that the harm to landscape has been identified as limited – moderate and localised, and the acknowledgement within national planning policy that all wind development will have some impact on landscape character, then limited weight is given to the harm to landscape character.
- 15.7 Having due consideration to the statutory obligation of the Local Planning Authority to have special regard to the desirability of preserving Listed Buildings or their settings, of any features of special architectural or historic interest which they possess, significant weight is given to the identified harm to the setting of heritage assets, particularly the harm to the setting of the Grade I Listed Battlesden Church.
- 15.8 Taking into account the existence within the baseline of the existing Double Arches turbine, moderate weight is given to the cumulative harm that would be caused to the outlook of the occupiers of Potsgrove and Overend and to the impacts on the Jones Pit Fishing Lake. Limited weight is given to the limited harm to the local rights-of-way network
- 15.9 In respect of the national policy expressed in the Written Ministerial Statement of 18 June 2015, which is now also included within the National Planning Practice Guidance, it is considered that the above planning impacts, which have all been identified by the local community, have not been fully addressed. It is considered that all other planning impacts identified by the local community have been fully addressed, either because no harm has been identified in relation to those impacts, or because appropriate mitigation has been identified. As not all identified impacts have been addressed, the application conflicts with the Written Ministerial Statement / NPPG and significant weight should be attributed to this conflict.
- 15.10 Consideration therefore needs to be given as to whether very special circumstances exist which clearly outweigh the identified harm and this conflict with the Written Ministerial Statement / NPPG.
- 15.11 The application was accompanied by a case for very special circumstances

as follows and these considerations will be assessed individually, below:

- 1) The scale of effect on the openness of the Green Belt is small;
- 2) The amount of electricity generation from renewable resources by the proposal is considerable;
- 3) The location of the proposal on reclaimed quarry workings;
- 4) The proposal lies adjacent to an existing operational quarry;
- 5) The proposal is close to the busy A5 Trunk Road;
- 6) The area is already characterised by the existing Double Arches turbine;

- 15.12 The scale of effect on the openness of the Green Belt is small
The application argues that although the turbine would be tall, it would be slim and would have a high degree of permeability, allowing views of the open countryside beyond. As such, it is argued that the impact on openness (which is separate from landscape and visual impact) would be extremely limited.
- 15.13 This has been addressed at paragraph 3.9 of this report and it was concluded that the impact of the turbine on openness would actually be moderate rather than limited. The impact on openness has also been taken into account during the assessment of harm. As such, no weight is attached to this consideration.
- 15.14 The amount of electricity generation from renewable resources by the proposal is considerable;
As set out in Section 1 of this report, the proposed turbine, which would have an installed capacity of 1.5MW, is predicted to produce 4,999 MW h/yr of electricity, which is the equivalent of the needs of an average 1,118 households, displacing approximately 2,150 tonnes of carbon per annum. Vensys has confirmed that the Double Arches turbine has performed the best out of 2,480 turbines of the same model around the world, indicating that the wind resource in this location is excellent. The local connection to the grid would also save on transmission losses and maximise the amount of electricity delivered by the proposal.
- 15.15 As such, it is considered that the proposal would make a significant contribution to local and national targets for renewable energy generation and the reduction of greenhouse gas emissions. It would also provide additional energy security. The proposal would therefore accord with the Government's policy on climate change. These are substantial public benefits which should be given significant weight.
- 15.16 It is noted that Section 9 of the NPPF states that "When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. Very special circumstances may include the wider environmental benefits associated with increased production of energy from

renewable sources."

- 15.17 It is noted that CPRE have described the contribution of the proposal to environmental targets as marginal, however, it is not considered that supplying 1,118 homes with power is marginal; rather this is considered to be a significant contribution. Furthermore, paragraph 98 of the NPPF instructs local planning authorities to recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 15.18 The grant of planning permission for the turbine at Double Arches is also considered to be a material consideration. The decision notice acknowledges that the proposed development would represent inappropriate development in the Green Belt, but stated that "the siting of the proposal within a working quarry and the wider environmental benefits in terms of the amount of energy that would be produced by the turbine and saving in tonnes of carbon dioxide would amount to a case for very special circumstances." It is noted that the turbine is of the same model and therefore would have the same impact on openness and also the same benefits. However, it should be noted that the Double Arches planning permission was granted in a different policy context, prior to the publication of the NPPF and the WMS/NPPG and therefore limited weight is given to this consideration.
- 15.19 The location of the proposal on reclaimed quarry workings
This is noted, however, the character of the site is agricultural land and has been for some considerable time. No weight is given to this consideration.
- 15.20 The proposal lies adjacent to an existing operational quarry;
The location of the site has been taken into account during the assessment of the impacts of the proposal. It is therefore not considered to be material to an assessment as to whether very special circumstances exist in this case.
- 15.21 The proposal is close to the busy A5 Trunk Road
The proximity of the turbine to the A5 was considered within the assessment of visual impact, but is not considered to mitigate harm to the Green Belt by reason of inappropriateness or loss of openness. No weight is therefore attached to this consideration.
- 15.22 The area is already characterised by the existing Double Arches turbine
Whether or not the area is characterised by the presence of the existing turbine, the Double Arches project is a significant feature within the landscape. However, the presence of the Double Arches turbine has been considered as part of the assessment of the impacts of the proposal and has been given weight elsewhere. As such, this aspect is also not considered to be material to this assessment as to whether very special circumstances exist in this case.

- 15.23 Not included within the application's list of very special circumstances, but included elsewhere within the application is that employment opportunities would be provided within the local area during the construction period and the community would benefit from increased business rates. Moderate weight is given to the economic benefits of the scheme.
- 15.24 The application also notes that the application would form part of a farm diversification scheme, which is encouraged by Section 3 of the NPPF. In the context of the varied landholdings and interests of the applicant, very limited weight is given to this consideration.
- 15.25 The agent has also submitted a statement of community benefits, explaining that the applicant's varying operations within the area (including the Double Arches turbine, quarrying activities and property development) allow the leasing of over 14 acres of land to Heath and Reach Parish Council at a peppercorn rent, including the sports pitches and associated car parking off Woburn Road and the Community Woodland adjacent to Bryant Lane. It explains that the current proposal would contribute to the community benefits that the applicant is able to provide to the local community. Again, having regard to the extent of landholdings and interests in the local area, very limited weight is given to this circumstance.
- 15.26 Limited weight is also attached to the public benefits that would accrue as a result of the recommended condition 20, which would require the applicant to submit and implement a scheme that would better reveal the significance of Battlesden Church, in accordance with paragraph 137 of the NPPF. This is only given limited weight as, at this stage, it has not been determined what form the scheme would take.
- 15.27 To summarise, it is considered that the environmental benefits of the scheme in terms of the generation of renewable energy and the subsequent reduction in carbon emissions and the contribution to local and national energy targets and energy security weigh heavily in favour of the scheme; moderate weight is given to the economic benefits of the scheme and limited weight is given to the better revealing of the significance of Battlesden Church, the farm diversification opportunities and the community benefits that the applicant provides to the local community.
- 15.28 The planning balance for this application requires a determination as to whether very special circumstance exist, having regard to Green Belt policy. It is considered that the package of public benefits summarised above, with particular regard to the substantial environmental benefits, would clearly and demonstrably outweigh the identified harm to the Green Belt, the setting of heritage assets, landscape character and residential and recreational amenity and the identified conflict with the WMS / NPPG and would therefore constitute very special circumstances. The proposal would thus conform with

Sections 9 and 12 of the NPPF, both of which require identified harm to be clearly outweighed by public benefits to be acceptable.

- 15.29 In light of this balancing exercise, it is considered that the adverse impacts that would result from the proposal are acceptable when weighed against the considerable public benefits that would accrue from the scheme. The proposal is therefore considered to accord with Section 10 of the NPPF and the policies in the NPPF when taken as a whole.

16. Other Considerations

- 16.1 The applicant has requested that, should planning permission be granted, that the time period for commencing the installation be extended from the standard 3 years to 5 years to allow the developer sufficient time to secure the construction of the scheme and to secure a long term power purchase agreement.

- 16.2 It is noted that the Double Arches permission was granted with a condition requiring commencement within 5 years instead of the standard 3 years. It is also noted that the Council has the discretion to vary the time scale where this is considered to be reasonable.

- 16.3 Having regard to the previous decision to allow Double Arches to be delivered within 5 years, it is considered that the request is reasonable, and as such a condition requiring the commencement of development within 5 years is recommended.

16.4 Environmental Impact Assessment

A number of representations have been received raising concerns that the application was not accompanied by a formal Environmental Impact Assessment. A screening opinion was sought and issued in 2015, which stated that the Council determined that an Environmental Impact Assessment was not required for the proposal.

- 16.5 Following receipt of the letter from Richard Buxton Environmental and Public Law, legal advice was sought by the Council. The legal advice received noted the error regarding which category of Schedule 2 of the Regulations the project would fall within and advised that the applicant submit a request for a revised screening opinion. This was done and a revised screening opinion was issued (CB/16/05205/SCN) which corrected the error and enlarged on the reasoning for determining that an Environmental Impact Assessment was not required.

- 16.6 The legal advice given concluded that, other than the error noted in regards to the correct category within Schedule 2, the Council did not appear to have erred in law in reaching its conclusion that an Environmental Impact Assessment was not required.

- 16.7 The reference to "significant effects" in the submitted Planning Appraisal is clarified in paragraph 6.8 of that document, which states *"it should be noted that in this assessment and those contained within the ER (Environmental Report), the phrase "significant effects" does not imply significant in EIA terms. It is a mechanism for distinguishing between effects that are material to the determination of a planning application and those that are sufficiently small as to be given no weight in the planning balance."*
- 16.8 In reference to mitigation measures, the legal advice stated that it is lawful for a screening assessment to take mitigation measures into account, especially where those measures are commonly used and it is therefore easy to assess the impact that they would on the likelihood of significant effects.
- 16.9 Having regard to consistency with the Double Arches application, the legal advice stated the following: "as the Screening Opinion notes, the Double Arches Application was treated as EIA Development because AWE submitted an environmental statement in respect of it, and not because the Council considered it to be EIA Development. In accordance with Regulation 4(2) (a), the submission by the applicant of an environmental statement renders that development EIA Development. That is the case no matter how insignificant that development may be and no matter what the local planning authority's view may be of the likelihood of significant effects. Therefore, in my view, it is legitimate for the Screening Opinion to observe that the Double Arches Application was treated as EIA Development following submission of an environmental statement, as opposed to a positive screening opinion of direction, and this provides sufficient explanation to justify the different approach." It was also noted that a request for a Screening Opinion for a 66m high wind turbine near Woburn, submitted by the Bedford Estates, resulted in a Screening Opinion that an EIA was not required. This indicates consistency in the Council's position that single wind turbines may not be EIA development.
- 16.10 Also in relation to this point, for clarification, the proposed turbine is not located on the site which was the subject of the 2008 Scoping Opinion. The second turbine in that application was located in much closer proximity to the Double Arches turbine than the current proposal.
- 16.11 In relation to cumulative impacts, the legal advice noted that the Screening Opinion specifically considered the cumulative impact of the proposed turbine and the Double Arches turbine and therefore properly took cumulative impacts into account.
- 16.12 The Planning Practice Guidance states that only a very small proportion of Schedule 2 development will require an EIA. The revised Screening Opinion notes that the Planning Practice Guidance states that a scheme is more likely

to require an Environmental Impact Assessment if the proposed development is for commercial development of more than 5 wind turbines or more than 5MW of new generating capacity. In this case, even considered cumulatively with the Double Arches turbine, the scheme would fall well below the threshold both in terms of numbers of turbines and level of generating capacity (2 turbines with a 3MW generating capacity).

- 16.13 The revised Screening Opinion also provided more detailed assessment of the impact on Heritage Assets, including Woburn and Battlesden Parks and concluded that the proposal does not require an Environmental Impact Assessment.

16.14 **Public Consultation**

In response to the notification that the application was due to be heard at Committee on 19th July 2017, five members of the public who were registered as having objected to the scheme via the SCWT website contacted the Council to advise that they had not responded to the public consultation or objected to the scheme. Three members of the public who were registered as having supported the scheme via a Friends of the Earth campaign contacted the Council to advise that they had not responded to the public consultation or supported the scheme. The Council's records have been updated to reflect these contacts.

16.15 **Human Rights issues:**

An objector has raised concerns that the proposal would breach their human rights to peaceful enjoyment of their home. However, the Human Rights Act balances this Human Right against the general interests of society as a whole. It is considered that the limited extent to which the proposal would interfere with the rights of occupiers to the peaceful enjoyment of their home would be clearly outweighed by the public benefits that would result from the proposal.

16.16 **Equality Act 2010:**

The proposal raises no issues under the Equality Act 2010.

Recommendation:

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted shall begin not later than five 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 make and model of the turbine hereby permitted shall be a Vensys

87, with a maximum height of 143.5 metres and a maximum rotor diameter no greater than 87m.

Reason: The acceptability of the proposal is based on the turbine matching in dimensions (including rotor cell), appearance, performance, and impact in terms of noise and shadow flicker, the existing turbine at Double Arches, which is a Vensys 87 turbine.
(Policy BE8, SBLPR and Sections 7 & 11, NPPF)

- 3 **No development shall take place until details of the colour finishes of the turbine and the substation hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.**

Reason: To protect the visual amenities of the area.
(Policy BE8, SBLPR and Section 7, NPPF)

- 4 **No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority and Highways England. Development shall be carried out in accordance with the approved Construction Method Statement. The CMS shall identify:**

- i) Areas on site designated for the storage of heavy duty plant and equipment, including vehicles, and car parking facilities for construction site operatives and visitors;**
- ii) Activities like earth moving, aggregate mixing, crushing, screening, and piling and on-site storage and transportation of raw material;**
- iii) Working practices to control emissions of dust and mud arising from on-site activities, including details of wheel-wash facilities;**
- iv) Working practices for protecting nearby dwellings, including measures to control noise and vibration arising from on-site activities as set out in British Standard 5228:2009 Noise and Vibration Control on Construction and Open Sites;**
- v) Details of bunded facilities for any storage of oils, fuels or chemicals;**
- vi) Details of the temporary construction compound; and**
- vii) A programme for the construction works.**

Reason: The condition must be discharged prior to commencement to protect the amenities of the neighbouring residential properties and highway safety.
(Policy BE8, SBLPR and Sections 4 & 11, NPPF)

- 5 The temporary construction compound shall be removed no later than three months from the date of commissioning of the turbine and the ground

restored to its previous condition within six months of such removal, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the surrounding area and to ensure that the compound is removed within an acceptable timeframe as the structure is temporary.

(Policy BE8, SBLPR and Section 7, NPPF)

- 6 **No development shall take place until a traffic management plan, as set out in the Transport Assessment accompanying the application, for the implementation of the permission has been submitted to, and approved in writing by the Local Planning Authority and Highways England. The scheme shall include arrangements for exceptional loads and appropriate temporary signage and shall be implemented in accordance with the approved details.**

Reason: The condition must be discharged prior to commencement in the interests of highway safety.

(Section 4, NPPF)

- 7 **No development shall take place until a scheme of foul drainage for the constructional and operational phases of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: The condition must be discharged prior to commencement to ensure appropriate drainage during the construction phase.

(Section 10, NPPF)

- 8 **A Biodiversity Management Plan (BMP), to include details of bat and bird mortality monitoring and ecological enhancements, shall be submitted to and be approved in writing by the local planning authority prior to the commencement of the development. The BMP shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.**

Reason: The condition must be discharged prior to commencement to ensure that biodiversity interests are protected, including during the construction period.

(Section 11, NPPF)

- 9 **The turbine hereby permitted shall not be first brought into use until a landscaping scheme to include the replacement or reinforcement of**

damaged or removed sections of hedgerow 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 first use of the turbine (a full planting season means the period from October to March). The hedgerow shall subsequently be maintained and any which die or are destroyed during the lifetime of the development shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.
(Policy BE8, SBLPR and Sections 7 & 11, NPPF)

- 10 The rating level of noise immissions from the Checkley Wood wind turbine in isolation and, if operational, in combination with the Double Arches wind turbine (Planning Ref CB/10/03034/FULL)(including the application of any tonal penalty to the single or combined sound), as determined in accordance with the attached Guidance Notes, which form part of this condition, shall not exceed the decibel value identified for the relevant integer wind speed in relation to the relevant dwellings identified in the tables attached to this condition, provided when assessing noise impact in combination, the noise immissions from the Double Arches turbine does not also exceed the limits in isolation. In the case of any dwelling not identified in the tables which lawfully exists or has planning permission at the date of this permission, the rating level of noise immission shall not exceed the levels as derived in accordance with this condition, provided when assessing noise impact in combination, the noise immissions from the Double Arches turbine does not also exceed the limits in isolation.

Furthermore:

- a. The wind turbine operator shall continuously log power production, nacelle wind speed, orientation and wind direction, any cap or limitation provided on power generated, the rotational speed as RPM, blade pitch and any settings applied controlling blade pitch and turbine RPM, and ensure data of such elements is available in accordance with Guidance Note 1(d). The wind turbine operator shall also continuously log 10 metre height wind speeds, wind direction and ground level rainfall all of which must be arithmetically averaged over 10 minute periods, measured at locations approved in writing by the local planning authority during any checks for compliance with this condition after being so required by the local planning authority. All the data must correlate with measured noise levels throughout the duration of any noise measurements. These data shall be obtained for any compliance checks and retained by the operator for the life of the planning permission. The wind turbine operator shall provide this information in the format set out in Guidance Note 1(d) to the Local Planning Authority on its request, within 28 days of receipt in writing of such a request.
- b. No electricity shall be exported until the wind turbine operator has

submitted to the Local Planning Authority for written approval, and such approval has been given, a list of proposed independent consultants who may undertake compliance measurements on behalf of the operator 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.

- c. Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an owner or occupier of a dwelling alleging noise disturbance at that dwelling, the wind turbine operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind turbine at the complainant's dwelling 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 or some dates, time and location that the complaint relates to and where known any identified atmospheric conditions, including wind direction as well as a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.
- d. The assessment of the rating level of noise immissions from the Checkley Wood wind turbine in isolation and, if operational, in combination with the Double Arches wind turbine shall be undertaken in accordance with an assessment protocol that shall, prior to the commencement of any measurements, have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location or locations identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken and also 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 along with a reasoned assessment as to whether the noise giving rise to complaint contains or is likely to contain a tonal component. The proposed range of conditions shall include 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 (c), and such others as the independent consultant or local planning authority consider likely to result in a breach of the noise limits. The data analysis shall exclude periods unlikely to contribute to the complaint in relation to the decibel level of noise.
- e. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions and any part of its dwelling building is within the 35dBA contour identified in Plan A or B as attached to this

permission, the wind turbine operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits shall be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. In the event noise limits are not approved within 42 days of the operator being notified of the complaint, the limits at each 10 metre height wind speed shall be the lowest of any of those properties which are listed in the tables.

- f. In the case of wind turbine noise from the Checkley Wood turbine in isolation at any dwelling building located further than the predicted 35dBA contour shown in Plan A, attached to this permission and used for identification purposes only to which a complaint is related, a limit of 35dB LA90(10 minutes) shall apply at all times and for all wind speeds up to 12m/s as a 10 minute arithmetic average value when measured in accordance with this condition. In the case of wind turbine noise from the Checkley Wood turbine in combination with wind turbine noise from the Double Arches turbine at any dwelling building located further than the predicted 35dBA contour shown in Plan B, attached to this permission and used for identification purposes only to which a complaint is related, a limit of 35dB LA90(10 minutes) shall apply at all times and for all wind speeds up to 12m/s as a 10 minute arithmetic average value when measured in accordance with this condition, provided when assessing noise impact in combination, the noise immissions from the Double Arches turbine does not also exceed the limits in isolation.
- g. The wind turbine 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 for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the assessment shall be accompanied by all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in paragraph 1(d) of the Guidance Notes with the exception of audio data which shall be supplied in the format in which it is recorded. 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.

h. Where a further assessment of the rating level of noise immissions from the wind turbine is required pursuant to Guidance Note 4(c), the wind turbine operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

- i. Once the Local Planning Authority has received the independent consultant's noise assessment required by this condition, including all noise measurements and audio recordings and the Local Planning Authority is satisfied of an established breach of the noise limit, then upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall mitigate to prevent future recurrence of the said breach and within 28 days of the notification, shall propose a mitigation scheme in writing for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the existence or likely recurrence of a breach. The scheme shall specify the timescales for implementation. The approved scheme including any caveats or controls on it applied by the Local Planning Authority as part of its approval shall be implemented as approved and thereafter retained unless otherwise agreed by the Local Planning Authority, in writing.

Table 1 – Noise Limits 0700 - 2300 (dB L_{A90,10} minutes)

| Location | Measured wind speed at 10 metre height (m/s) at the location approved by the local planning authority averaged over 10-minute periods | | | | | | | | | | | |
|---|---|------|------|------|------|------|------|------|------|------|------|------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| The dwellings identified as H14-H17, Overend Green as specified in the Double Arches Wind Turbine Environmental Statement Volume 1: Main text July 2010 paragraph 7.3.3 | 35.0 | 35.0 | 37.0 | 39.0 | 41.0 | 43.0 | 45.0 | 47.0 | 49.0 | 51.0 | 53.0 | 55.0 |
| H18 – Overend Green | 35.0 | 35.0 | 37.0 | 39.0 | 41.0 | 43.0 | 45.0 | 47.0 | 49.0 | 51.0 | 53.0 | 55.0 |
| H19 – Bethney | 35.0 | 35.0 | 37.0 | 39.0 | 41.0 | 43.0 | 45.0 | 47.0 | 49.0 | 51.0 | 53.0 | 55.0 |
| Checkley Wood Bungalow | 50.0 | 50.0 | 50.0 | 50.6 | 51.3 | 51.7 | 51.5 | 51.5 | 51.5 | 51.5 | 51.5 | 51.5 |

| | | | | | | | | | | | | |
|--------------------|------|------|------|------|------|------|------|------|------|------|------|------|
| 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 |
| The Poplars | 43.6 | 43.6 | 43.6 | 44.0 | 44.9 | 45.9 | 46.8 | 46.8 | 46.8 | 46.8 | 46.8 | 46.8 |
| Potsgrove | 35.0 | 35.0 | 37.0 | 39.0 | 41.0 | 43.0 | 45.0 | 47.0 | 49.0 | 51.0 | 53.0 | 55.0 |
| H1 | 46.4 | 46.4 | 46.4 | 47.5 | 48.8 | 49.8 | 49.8 | 49.8 | 49.8 | 49.8 | 49.8 | 49.8 |
| Kingsway Bungalow | 43.6 | 43.6 | 43.6 | 44.0 | 44.9 | 45.9 | 46.8 | 46.8 | 46.8 | 46.8 | 46.8 | 46.8 |
| Mileway House | 43.6 | 43.6 | 43.6 | 44.0 | 44.9 | 45.9 | 46.8 | 46.8 | 46.8 | 46.8 | 46.8 | 46.8 |

Table 2 – Noise Limits 2300-0700 (dB LA90,10 minutes)

| Location | Measured wind speed at 10 metre height (m/s) at the location approved by the local planning authority over 10-minute period | | | | | | | | | | | |
|---|---|------|------|------|------|------|------|------|------|------|------|------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| The dwellings identified as H14-H17, Overend Green as specified in the Double Arches Wind Turbine Environmental Statement Volume 1: Main text July 2010 paragraph 7.3.3 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 44.0 | 45.0 | 47.0 | 49.0 | 50.0 | 52.0 |
| H18 – Overend Green | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 44.0 | 45.0 | 47.0 | 49.0 | 50.0 | 52.0 |
| H19 – Bethney | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 44.0 | 45.0 | 47.0 | 49.0 | 50.0 | 52.0 |
| 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 |
| 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 |
| The Poplars | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 |
| Potsgrove | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 |
| H1 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 | 43.0 |
| Kingsway 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 |
| 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 |

Table 3: Coordinate locations of the dwellings listed in Tables 1 and 2

| Dwelling | Easting | Northing |
|---|---------|----------|
| The dwellings identified as H14-H17, Overend Green as specified in the Double Arches Wind Turbine Environmental Statement Volume 1: Main text July 2010 paragraph 7.3.3 | 493263 | 228805 |
| H18 – Overend Green | 493357 | 228722 |
| H19 - Bethney | 493374 | 228685 |
| Checkley Wood Bungalow | 494822 | 229040 |
| Sandhouse Cottages | 493794 | 229866 |
| The Poplars | 494413 | 228520 |
| Potsgrove | 495042 | 229840 |
| H1 | 493649 | 230022 |
| Kingsway Bungalow | 494433 | 228220 |
| Mileway House | 494425 | 228472 |

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Note: For the purposes of this condition, a “dwelling” is a building within Use Class C3 & C4 of the Town and Country Planning (Use Classes) Order 1987 which lawfully exists or had planning permission at the date of this consent.

Reason: To ensure that the amenities of neighbouring occupiers are not prejudiced by excessive noise.
(Policy BE8, SBLPR and Section 11. NPPF)

- 11 The wind turbine shall not emit greater than expected amplitude modulation (EAM). Amplitude modulation is the modulation of the level of broadband noise emitted by a turbine at blade passing frequency. These will be deemed greater than expected if the following characteristics apply:
- A change in the measured LAeq 100 milliseconds turbine noise level of more than 3dB (represented as a rise and fall in sound energy levels each of more than 3dB) occurring within a 2 second period.
 - The change identified in (a) above shall not occur less than 5 times in any one minute period provided that the LAeq, 1 minute turbine sound energy level for that minute is not below 28dB.
 - The changes identified in (a) and (b) above shall not occur for fewer than 6 minutes in any hour.

Noise immissions shall be measured at a complainant's dwelling not further than 35m from the relevant dwelling building, and not closer than 3.5m of any reflective building or surface other than the ground, or within 1.2m of the ground.

Reason: To ensure that the amenities of neighbouring occupiers are not prejudiced by excessive noise.
(Policy BE8, SBLPR and Section 11, NPPF)

- 12 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 turbine operator shall, at its expense, employ a consultant approved by the Local Planning Authority in writing, to assess whether there is greater than expected amplitude modulation from the wind turbine 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 turbine operator shall provide the information logged in accordance with this condition to the Local Planning Authority in the format set out in the Guidance Notes.
- 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 this condition shall be undertaken at the measurement location or locations approved in writing by the Local Planning Authority.
 - Prior to the submission of the independent consultant's assessment of the noise emissions in accordance with the requirements of this condition, the wind turbine 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, turbine power generation and where available, rotational speed and blade pitch settings and also the times of day) to determine the assessment of noise emissions.
 - The proposed range of meteorological 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 emissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.

- The wind turbine 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 the Guidance Note to this condition where that guidance is provided on that data type.
- The wind turbine operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at the wind turbine and where available, blade pitch and revolutions per minute, expressed as 10 minute averages. 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 turbine operator shall provide this information in the format set out in the Guidance Note to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- Once the Local Planning Authority has received the independent consultant's noise assessment required by this condition, including all noise measurements and audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limit, upon notification by the Local Planning Authority in writing to the wind turbine operator of the said breach, the wind turbine 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 with the Local Planning Authority.

Reason: To ensure that the amenities of neighbouring occupiers are not prejudiced by excessive noise.
(Policy BE8, SBLPR and Section 11, NPPF)

- 13 The turbine shall not be first brought into use until a mitigation scheme setting out details of works necessary to mitigate any adverse effects to domestic television signals in the area caused by the development, which shall include a provision for the investigation and resolution of any claim by any person for loss or interference of their domestic television signal at their household within 12 months of the final commissioning of the wind turbine, has been submitted to and approved in writing by the local planning authority. The mitigation scheme shall be based upon the baseline television signal measurements carried out by GTech Surveys (Reference: Household Viewing Preference Survey – Checkley Wood Wind Turbine Development), as submitted to the Local Planning Authority.

Reason: In the interests of ensuring that surrounding residents continue to receive an adequate standard of domestic television reception.
(Section 5, NPPF)

- 14 The wind turbine hereby approved shall operate in accordance with a shadow flicker mitigation scheme which shall be submitted to and approved by the Local Planning Authority prior to the operation of any wind turbine unless a survey carried out on behalf of the developer in accordance with a methodology approved in advance by the local planning authority confirms that shadow flicker effects would not be experienced within habitable rooms within any dwelling.

Reason: To ensure shadow flicker is adequately mitigated.
(Policy BE8, SBLPR and Section 7, NPPF)

- 15 The planning permission is for a period from the date of the installation until the date occurring 25 years after the date of first export of electricity. Written confirmation of the date of the first export of electricity 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, SBLPR and Sections 7 & 11, NPPF)

- 16 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, SBLPR and Sections 7 & 11, NPPF)

- 17 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.

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

Reason: To protect the quality of controlled waters in accordance with Groundwater Protection, Policy and Practice (GP3) P9-6 and Planning Policy Statement 23 (PPS23). The nature of soil and groundwater contamination is such that even where comprehensive site investigation is undertaken, some unsuspected contamination may exist between sample locations. This condition allows a reactive mechanism for the control of the way in which such contamination is treated, should it be discovered.
(Section 11, NPPF)

- 19 Upon installation, the turbine shall be fitted with MoD accredited 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point and this shall be retained for the lifetime of the turbine.

Reason: In the interests of air safety.
(Section 10, NPPF)

- 20 **No development shall take place until a scheme for a project that will better reveal the historic significance of Saint Peter and All Saints Church at Battlesden (Grade I Listed) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include timescales for the delivery of the agreed project. The agreed scheme shall subsequently be delivered in accordance with the agreed timescales.**

**Reason: The proposal would result in less than substantial harm to the setting of the Grade I Listed Church and the project is in line with paragraph 137 of the NPPF as it would mitigate that impact.
(Section 12, NPPF)**

- 21 The development shall be carried out and operated in accordance with the mitigation measures set out in the Hydrological Assessment prepared by Wallingford HydroSolutions Limited dated January 2016.

Reason: To ensure that no contamination of waters under and around the

site takes place.
(Section 11, NPPF)

- 22 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Figure 2A (received 27/06/2016), Figures 4 & 7 of the "Revised Figures and Visualisations - 87m Rotor Diameter" document dated June 2016 and Figures 6 & 8 of the "Checkley Wood Single Wind Turbine: Environmental Report Figures" dated March 2016

Reason: To identify the approved plans 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. Guidance Notes for Noise Condition 10

These notes are to be read with and form part of condition 10 of this planning permission. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind turbine and cumulatively with the Double Arches turbine. The rating level at each integer wind speed is the arithmetic sum of the wind turbine noise level whether singularly from the Checkley Wood wind turbine and, if operational, cumulatively with the Double Arches wind turbine, provided the Double Arches noise immissions do not exceed the limits applied in this condition in isolation of the operation of the Checkley Wood turbine. The rating level is determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

- a. Values of the LA90, 10minutes noise statistic should be measured at the complainant's dwelling, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 2014 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- b. The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two- layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her dwelling to undertake compliance measurements is withheld, the wind turbine operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- c. The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic average wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind turbine and meteorological data recorded for the purposes of compliance testing.
- d. Data provided to the Local Planning Authority in accordance with this noise condition shall be provided in comma separated values in electronic format, except descriptions of any other controls applied to turbine operation such as any cap on power output and audio data. The latter shall be provided in the form originally recorded.
- e. A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(c).

Guidance Note 2

- a. The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b) and the data separated into periods chronologically occurring within the conditions identified as relevant for those leading to complaint with each assessed data set including not more than 40 valid data points each.
- b. Valid data points are those measured in the conditions specified in the approved written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured at the location approved under paragraph (a) of the condition in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1.
- c. For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10-minute noise measurements and corresponding values of the 10- minute measured 10 m height wind speed, shall be plotted on an XY chart with noise level on the Y-axis and the mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) in the case of measurements undertaken on behalf of the operator should be fitted to the data points and define the wind turbine noise level at each integer speed.

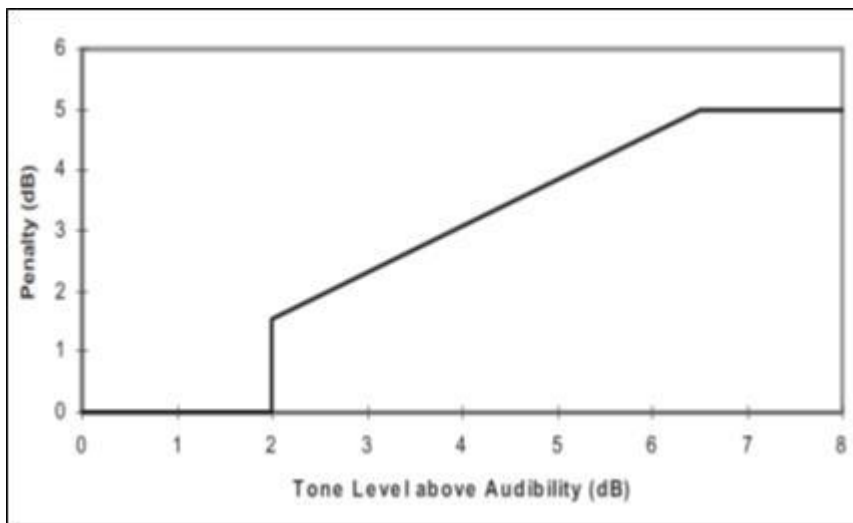
Guidance Note 3

- a. Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- b. For each 10-minute interval for which LA90 data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

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

d. The average tone level above audibility shall be calculated for each wind speed bin, each bin being 1 metre per second wide and centred on integer wind speeds. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

e. The tonal penalty for each wind speed bin is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

a. If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise whether singularly for Checkley Wood turbine or in combination with Double Arches turbine, at each wind speed, is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in protocol under paragraph (d) of the noise condition.

b. If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

c. In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the

noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

d. The wind turbine operator shall carry out measurements for such period as the independent consultant requires undertaking any further noise measurements required under Guidance Note 4(c). Where it is not possible to obtain measurements of noise that are absent sound contribution from the Double Arches turbine and the Checkley Wood turbine, the background noise levels obtained from the assessment of compliance with the Double Arches turbine noise which is also absent noise from Checkley Wood turbine shall be used as the background noise level for determination of background noise contribution to the rated wind turbine noise whether assessing noise from Checkley Wood turbine in isolation or in combination with noise from Double Arches turbine at each integer wind speed. Where measurements of background noise levels absent any turbine operational noise are not obtainable for the purposes of determining its contribution to measured noise as part of the operator's compliance checks, the independent consultant shall submit a method for determining the background noise contribution. This method shall be subject to the prior written approval of the Local Planning Authority, which shall be subject to any controls or caveats of that approval as required by the Local Planning Authority.

e. The steps in Guidance Note 2 shall be repeated with the turbine shut-down in accordance with Guidance Note 4(d), in order to determine the background noise level at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition. The operators of Checkley Wood turbine shall also cause the turbine to cease operation for any period required by the Local Planning Authority for the purpose of its own assessment of background noise levels absent its turbine noise.

f. The wind turbine noise at each integer wind speed shall then be calculated in line with best practice.

g. The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind turbine noise at that integer wind speed.

h. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with Guidance Note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits as defined by paragraph 1(e) or 1(f) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the

values set out in the Tables attached to the conditions or as defined in paragraph 1(e) or 1(f) of the noise condition then the development fails to comply with the condition.

4. Guidance Note in relation to condition 11

Amplitude Modulation (AM) is the regular variation of the broadband aerodynamic noise caused by the passage of the blades through the air at the rate at which the blades pass the turbine tower.

Where the local planning authority considers the level of AM may be at a level exceeding that envisaged by the condition, they may require the operator to appoint an approved independent consultant to carry out an assessment of this feature under this condition. In such circumstances, the sound level meter provided for assessment should include a switchable noise recording system (unless permanently recording all parameters and audio) which can be activated by the complainant, the independent consultant appointed by the operator or the local planning authority. The independent consultant shall initiate recordings of the turbine noise at times and locations when significant amplitude modulation is considered to occur. Such recordings shall allow for analysis of the noise in decibels using one-third octave bands from 20 Hz up to 10kHz and 'A' weighted decibel levels both at intervals of 100ms (milli-seconds). It shall also record audio at a standard of not less than 16 bit, 44KHz rate.

5. The Environment Agency has provided the following advice:

Appropriate protection (which should allow for inspection of joints) should be afforded to any oil-filled underground cabling and regular leak testing should be carried out, to minimise the risk of pollution to groundwater and surface waters.

As part of the decommissioning of this wind turbine, all below ground cables should be removed as electrical cables contain insulation oils which, if left to degrade within the ground, could lead to localised contamination of soils and potential leaching to surface water drains in the area.

6. The applicant is advised that they must notify the Defence Infrastructure Organisation Safeguarding within the Ministry of Defence of the following;
- c. the date construction starts and ends;
 - d. the maximum height of construction equipment;
 - e. the latitude and longitude of every turbine.

Statement required by the Town and Country Planning (Development Management

Procedure) (England) Order 2015 - Part 6, 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.

DECISION

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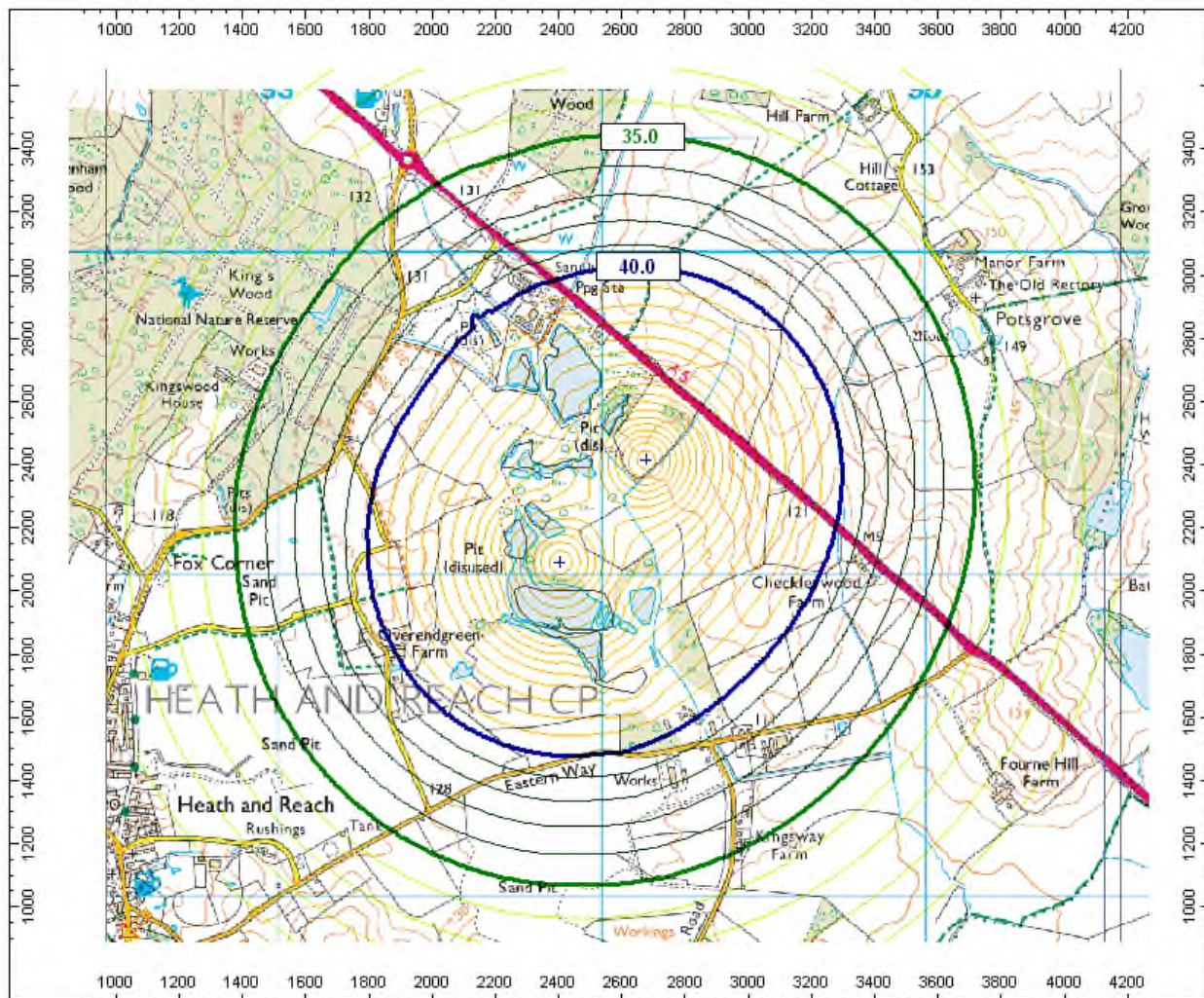
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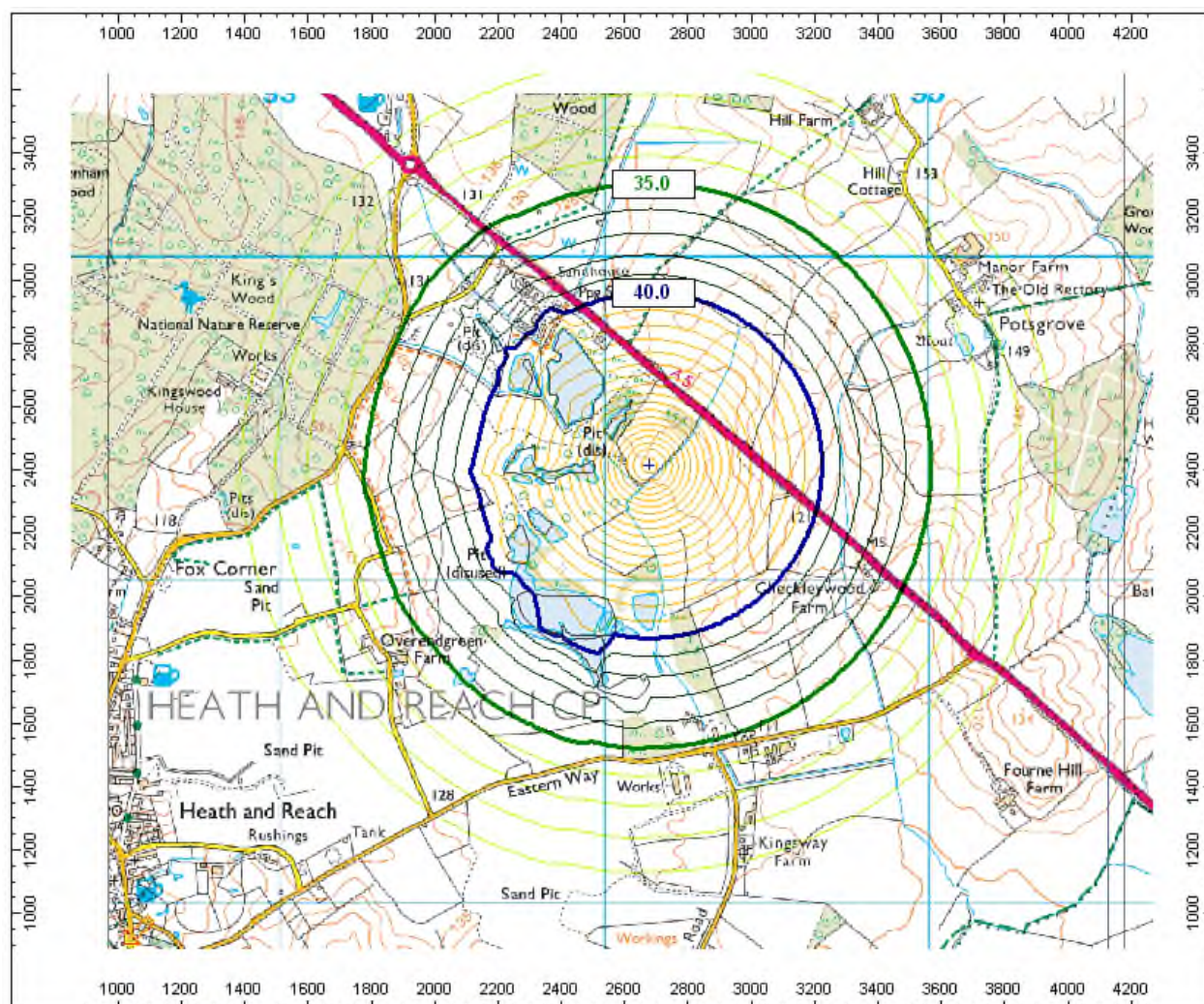
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Appendix A - Plan A and B from condition 10

Plan A - Cumulative predicted noise levels Double Arches and Checkley Wood



Plan – B Predicted noise levels Checkley Wood only



CHECKLEY WOOD WIND TURBINE

APPLICATION CB/16/01389/FULL

OBJECTION DOCUMENT

INTRODUCTION

Bedfordshire is graced with some of the most picturesque and unspoilt countryside anywhere in Great Britain and the area between Woburn and the Buckinghamshire boundary is no exception. Wantonly defacing such natural beauty would be nothing short of criminal, even if the glaring failures in the planning case didn't exist.

It is initially important to understand that this Application for a second wind turbine **MUST** be considered in combination with the existing turbine. It is obvious that the Applicant wishes us to make decisions at the margin and consider one turbine, but **the impact is of the 2 turbines combined**. It is for that very reason they wish to separate them.

In essence, this development, if allowed, creates a wind farm of such a size and scale that it is an unacceptable development on the site proposed within the Green Belt. There are many material planning considerations which warrant refusal in the light of the harm caused and the impossibility of mitigation.

CBC has a public duty to weigh this evidence. The right of decision rests entirely with CBC as the democratically elected and accountable local government of our area.

Both the NPPF and the Localism Act mandate local authorities to attach great weight to the considered views of local people. As the Prime Minister put it: *"We're cutting the subsidy to onshore wind because I think it has been over-subsidised and wasteful of public money. The second thing we're doing is the Localism Act will give local communities a greater say over issues like wind turbines"* (Hansard: 29 February 2012). His sentiments have since been echoed in widely reported statements from respective Ministers of State for Energy, Environment and Planning.

Many wind farm developers have tried to argue that national Energy Policy trumps every other planning consideration. This is a misrepresentation of the truth. Moreover it is one that has been rejected in the High Court by its ruling that the planning process in the UK remains **"plan-led, that the Local Development Plan is not subordinated by National Policy,** and that it, therefore, remains the primary instrument for determination of such Applications.

The following Chapters consider in detail the impact this proposed development will have on our landscape, Heritage assets, ecology, homes, pastimes and Public Health.

We conclude that the evidence provided shows that the significant degree of harm inflicted on all of these assets, by the proposed development, results in the amount of dis-benefit exceeding that of the benefit.

Further, we only have so much capacity (in terms of money, space and impact) to build the structures necessary to transfer the energy we require into the form we need.

Consequently, that capacity is a scarce resource which needs to be efficiently and effectively managed.

If you consider that our total energy requirements are relatively fixed, then in managing the scarce resource, we must ensure the maximum energy production from each unit of capacity consumed.

This means, in practice, locating our wind turbines on optimally selected sites, not sites selected because they are simply owned or available.

To do otherwise would be unrenewable, unsustainable and unjust.

We ask for your determination of refusal.

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1. QUANTUM OF ELECTRICITY PRODUCTION

We recognise that Central Bedfordshire Council (“CBC”) is constrained by National Policy directives from debating the viability and value of onshore wind policy per se, or the specific electricity output to be achieved by a particular wind farm. However, this does not absolve CBC from rigorously scrutinising the details of all evidence submitted, including that pertaining to the quantum of energy production. The LPA still has a legal duty to scrutinise thoroughly the veracity of the Applicant’s Application, irrespective of the national directive that it cannot discuss policy.

Since electricity generation is the only benefit proposed by the Applicant, it follows that its quantum must be accurately established as the basis for then evaluating the balance between benefit and dis-benefit in this determination. This is not only permitted by National Policy, it is mandated by it.

The comparison of benefit against dis-benefit was highlighted very recently by Hugh McNeal (CEO of Renewables UK, wind industries trade body). In an article published in The Telegraph (4 June 2016) Mr McNeal states *“we are almost certainly not talking about the possibility of new plants in England. The project economics wouldn’t work; the wind speeds don’t allow for it”* and concludes that new wind farms in England were *“very unlikely”* beyond those that have already secured subsidies and are awaiting construction as they would not be cost efficient enough.

These comments were supported by Keith Anderson, Chief Executive of Scottish Power Renewables, who said he agreed with Mr McNeal that new onshore wind in England would be *“incredibly challenging”*.

These comments highlight very clearly that the industry itself is questioning the amount of benefit produced in sub-optimal locations. However, in reaching their conclusions they are only focusing on the economics and not including the other dis-benefits of building massive wind turbines amongst local communities. These other dis-benefits are highlighted in the remainder of this document.

We contend that once these dis-benefits are added to their comments above, the result is clear that the total dis-benefit far exceeds the quoted benefit.

Furthermore, the turbine will be produced overseas and we understand there will be limited local input into construction work given the specialised nature of the erection of wind turbines.

Wind Speed

The output of electricity from a wind turbine is proportional to the cube of the wind speed. Variations in the available wind speed at any site due to topography, vegetation and built structures will, therefore, make a large difference in electricity generated and hence the benefits that can be claimed. The specific wind profile of a site determines the amount of the installed capacity of the wind farm that can be harvested.

A graphic example of just what difference topography can make is shown by the performance of two similar sized schemes a few kilometres apart near Workington. In 2011 the Siddick wind farm had a capacity factor of 15.9% while the Lowca wind farm achieved 33.8%. The reason was that the Lowca site is on top of a ridge while the Siddick wind farm is on the coastal plain.

Because the power output of a wind turbine is proportional to the cube of the wind speed, the annual energy production decreases disproportionately compared to the decrease in annual average wind speed. For example, a decrease in annual wind speed from 7m/s to 6.5m/s is a 7% decrease, but the corresponding fall in annual energy production is around 14%. This relationship results in 2 conclusions:-

- Wind turbines must be located in the windiest possible (optimal) locations. There is no evidence to suggest that the Applicant has considered other locations and, specifically, measured average wind speeds at these competing locations to assess benefit v dis-benefit.
- Data for wind speeds at 93.5m hub height must be accurately collected and quantified at the Checkley Wood site.

This relationship further enhances the comments by Hugh McNeal and Keith Anderson. We live in a world of scarce resources and it is vital that these scarce resources are used as efficiently as possible. This statement holds for all forms of energy and must include Renewable Energy.

Energy will be consumed and carbon footprints created in building and delivering the massive turbine. Given that we now understand the pure economics to be questionable, it is essential that we position the turbines responsibly and effectively.

We contend that the proposed site of the Checkley Wood wind turbine is sub-optimal. It has been chosen because it is available rather than because it provides the right solution.

National Planning Policy Framework (“NPPF”) Requirement

The National Planning Policy Framework states that Applications should be refused where *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”*. Thus it is vital that the benefits are accurately quantified to enable this balancing exercise to be effectively carried out.

By choosing a sub-optimal wind speed site, the Applicant has failed to mitigate the adverse impacts, because by selecting a site with higher wind speeds, they could reduce the environmental and social impacts through using smaller turbines to produce the same amount of electricity. The Applicant’s position is in direct conflict with national guidance as shown by:

“Our planning system must enable renewable deployment in appropriate places While ensuring that we continue to protect our environment and natural heritage and respond to the legitimate concerns of local communities”. (UK Renewable Energy Strategy July 2009).

“We are targeting only the most cost effective onshore wind farm deployment”. (Ministerial Foreword. Consultation on proposals for the levels of banded support under the Renewables Obligation).

“Support for wind through ROCs is based on generation, not capacity, in order to encourage efficient deployment”. (Section 3.7 RO Support. Consultation on proposals for the level of banded support under the Renewables Obligation).

Turbine Wake Separation

The amount of electricity produced is also impacted by the separation distances between the turbines as can be seen in an EON Application at Syderstone (Chiplow Wind Farm). In the ES in 4.1.2 one of the constraints quoted as important to the design of a wind farm was:

“To minimise the turbulent interaction between wind turbines (wake effect), which is a key factor in maximising the overall power generating capacity of a site, turbines were also separated by set distances both in line with the prevailing wind direction and perpendicular to it (in the case of Chipflow, this being 5 x 4 rotor diameters)”. This is reinforced by National Policy Statement EN.3 which stated 6 and 4 rotor diameters respectively.

The location of the second turbine does not meet this separation guidance as the developer quotes a separation of 410m with a rotor diameter of 112.5m and hence there will be a reduction in capacity factor due to array losses. The turbine manufacturer will only warrant the performance of the turbines in terms of both efficiency and noise, if they are satisfied that the turbine layout meets its required standards and criteria. There is no evidence from the Applicant that the manufacturer has been approached about the tight layout proposed here.

Quantum of Electricity Generated

The Applicant has estimated that the chosen turbine (Vensys VE112) could produce approximately 8,380,000Kwh of electricity annually. This figure has been calculated by applying a 10% loss factor to the theoretical capacity associated with turbine availability and electrical losses, and by estimating the average wind speed at the hub height of 93.5m.

The accuracy of these figures needs to be independently verified and specific allowance made for:-

- Unscheduled maintenance. The existing Double Arches turbine was not operational for in excess of 5 of the previous 12 months. During that period, no energy was produced.
- Wind speeds at hub height of 93.5m must be accurately compiled.
- The Applicant has confirmed that the cumulative effect of both turbines will result in an exceedance of the noise limits at 3-4m/s at certain locations. The recommended mitigation is that the proposed Checkley Wood turbine is only operated for wind speeds greater than 4.5m/s when the residential properties are down wind of the turbine (when the wind is blowing from the North-East). The impact of this must be accurately measured, specifically in regard to average wind speeds and average direction of prevailing wind and an adjustment calculated for energy production.
- The Applicant has confirmed that 22 properties will suffer the effects of Shadow Flicker, in total over 254 days of the year. The Applicant has confirmed “if effects are observed by the residents, to protect their amenity, control of the turbine would be used to turn the machine off during the brief periods identified where conditions are such that the effect may occur”. This can only be above the cut in wind speed of 3m/s and when the rotor is turning. Again, the impact of this on energy production must be accurately quantified.
- The calculation does not include any adjustment for turbine wake separation. We understand that the turbine manufacturer will only warrant the performance of the turbine in terms of both efficiency and noise, if they are satisfied that the turbine layout meets its required standards. The manufacturer must be approached with details of the specific site layout and asked to quantify energy production.

We have approached the turbine manufacturer (Vensys) by phone and email requesting more details of the energy production function and energy consumed by a Vensys VE112. At the date of this report, we have not received a response to our request for further data.

However, we understand that the daily operations of the turbine will consume power. These operations include blade pitch control, stop/start operations, cooling, magnetising the stator and other elements. In accurately calculating the potential benefit achieved, the manufacturer should provide to CBC details of the amount of power utilised by these daily operations such that the true net power capacity is quoted for the benefit.

Furthermore, the VE112 is quoted as having a power capacity of 3 megawatts. As the Applicant clearly states *"the turbine can produce this rated capacity at wind speeds of between 13.0m/s at hub height to its cut-out wind speed"*.

However, the Applicant estimates the average wind speed, at hub height at the proposed Checkley Wood site, to be 6.9m/s. This speed is 46% lower than the quoted capacity wind speed of 13m/s and given the cubic relationship between wind speed and power output, results in a significant impact on actual power capacity.

We have used the REUK (www.reuk.co.uk) wind turbine output calculator with the following variables:

Rotor Diameter: 112m

Cut-in Speed: 3m/s

Cut-out Speed: 25m/s

Turbine Efficiency: 35% (estimation based upon Applicant's figures)

Weibull Shape Parameter: 2 (mean estimation)

In this model, we are unable to use the wind speed of 13m/s and have had to use 12m/s as the closest available. We have therefore adjusted the observed wind speed to 6.4m/s to allow for a direct comparison to the Applicant's figures (13m/s and 6.9m/s).

The model results are:

At 12 m/s the predicted turbine annual output is 47,098,289 Kwh.

At 6.4m/s the predicted turbine annual output is 9,409,335 Kwh.

This model shows that the potential power output falls by 80% by moving from an area with average wind speeds of 13m/s to the chosen wind speeds site of average 6.9m/s.

Clearly, the model we have used is fairly basic, but it is provided by the industry and should therefore be representative of the relative numbers. We would have preferred to use data supplied by the manufacturer, but in the absence of any response have constructed this relatively crude estimation. We recommend that CBC perform a similar calculation using the manufacturer's data.

Another way of understanding this point is that 80% of potential capacity is being wasted due to site selection or, using the Applicant's preferred methodology and accepting that the average household uses 4,473Kwh of electricity per annum, this equates to wasted potential energy sufficient to fuel:

$$37,688,954 / 4,473$$

$$= 8,426 \text{ households}$$

Add to this figure the wastage created by the number of times the turbine has to be switched off due to either Shadow Flicker, excess noise or maintenance and the conclusions regarding the management of scarce resources are all too clear.

Conclusions

The cumulative impact of array losses, forced shutdown due to both Shadow Flicker and noise levels, average wind speeds at hub height and maintenance must be accurately quantified and an adjustment made to potential energy production in order to judge the balance of benefit v dis-benefit.

Based upon our (basic) calculations, the chosen site results in a 80% loss of potential energy production from the quoted capacity at 13m/s. In managing the Earth's scarce resources, it is imperative, given the cubic relationship between wind speed and power output, that turbines are located in optimally selected sites.

2. TURBINE WAKE SEPARATION

National Policy Statement EN3 recommended that turbines should be separated by a ratio of 6x4 Rotor Diameter to allow for Turbine Wake Separation. This separation is required to enable the turbines to operate safely and efficiently. The recommended 6 Rotor Diameters have to be in the direction of the prevailing wind and 4 rotor diameters perpendicular to the prevailing wind.

The developer's Application states that the Checkley Wood turbine will be only 410m North East of the original Double Arches turbine. This **DOES NOT** meet the requirements of National Policy Statement EN3.

In Appeal Decision APP/D2510/A/10/2121089 the inspector recorded that:

"It is also to be noted that "Planning for Renewable Energy: A Companion Guide to PS22", provides an illustration of a turbine layout based upon a spacing of 6 rotor diameters in the direction of prevailing wind and 4 rotor diameters across wind."

The Planning Inspector is therefore relying upon 6x4 Rotor diameters separation.

In order to accommodate 6x4 rotor diameters, the siting of the Checkley Wood turbine would have to move further North East, to a point where it would be sited far too close to the A5 trunk road to satisfy the Highways Agency and general public safety requirements.

If the Applicant had followed NPS EN3, the proposed site would have been rejected.

The size of the site simply DOES NOT provide sufficient space for 2 such huge turbines.

The current Application makes reference to the existing wind turbine erected by AWE Renewables ("AWE") in December 2014 at Double Arches Quarry. In the Application for the first turbine (CB/10/03034), the Environmental Statement deals with "the consideration of alternatives". The report explains that consideration was given to two turbines, but concluded that as a result of various constraints, a single turbine was the most appropriate option. The considerations were:-

1. the two turbines would be sited too closely thereby affecting their productivity and also increasing noise levels; and
2. the two turbines would have an unacceptable impact on the Heritage landscape and Heritage assets within the Zone of Visual Influence.

It is evident from the Applicant's own conclusions in 2010 that the impact of turbine wake separation would reduce energy production (decrease the benefit) and increase the dis-benefit.

We have already demonstrated, in the preceding Chapter, that 80% of potential output has been lost due to site selection (average wind speed). It is our understanding that the lack of separation distance between the proposed turbine and the existing Double Arches turbine will create array losses and further depreciate that potential output.

We further understand that the prevailing wind is predominantly from the South/South-West and given the proposed site is North-East of the existing turbine, these array losses are likely to be amplified.

We believe the Checkley Wood site is sub-optimal and has been chosen simply because it is available rather than by determination of optimum resource utilisation and efficiency.

3. HARMFUL IMPACTS ON LANDSCAPE CHARACTER

There can be no doubt that the introduction of industrial rotating turbines 150m high into a landscape will constitute a significant adverse impact on landscape character.

This is especially the case, within a rural area of high landscape value.

The developer states **this second wind turbine** will be the same size as the original turbine at Double Arches. This is evidently NOT the case. We contend that the main visual impact from a wind turbine is that of the rotor which when turning creates a circle within the zone of visual influence. The area of any circle is measured by πr^2 . The area occupied in the sky by the Double Arches turbine is 5,942m², **whereas the area occupied by the proposed Checkley Wood turbine will be 9,935m².**

This is an increase of 67%. The original turbine was the largest on land turbine when erected. This proposal is for a rotor size that will dwarf that in comparison. The impact on the landscape character will be immense. They will overlook the SSI's of Kingswood and Bakers Wood, the Greensand Ridge Path, Rushmere Country Park and will have a significant detrimental effect on all.

It should also be noted that **the combined size of the 2 rotors will be 15,877m²** or equivalent to almost 4 acres in area. The impact within the zone of visual influence on the landscape character will have a significant adverse effect.

"Landscape character" means the distinct and recognisable pattern of elements that occurs consistently in a particular type of landscape and how these are perceived by people. It reflects particular combinations of geology, land form, soils, vegetation, land use and human settlement. It creates the particular sense of place of different areas of the landscape.

"Landscape capacity" refers to the degree to which a particular landscape character type or area is able to accommodate change without significant effects on its character, or overall change of landscape character type. Capacity is likely to vary according to the type and nature of change being proposed.

CBC's Policy document "Wind Energy Developments in Central Bedfordshire" states

"Cumulative impact relates to the combined impact of wind energy developments"; and

"The balance has to be made as to whether the new proposal will take development beyond the landscape capacity of the location".

The area around where the proposed Checkley Wood wind turbine is to be erected and the wider areas, from which the turbine will be visible, will be affected in both landscape character and landscape capacity.

We contend that the landscape capacity to accommodate change was fully utilised with the development of the Double Arches wind turbine.

Further development of the type proposed here would create an industrial zone within the Green Belt and completely change the landscape's character.

CBC's own Policy document serves to confirm this conclusion where in Section 7.11 it states:

"The Greensand Ridge (West) – a large single turbine (149m) has been permitted at Double Arches Quarry, near Heath and Reach. The extremely tall (149m) turbine permitted at Double Arches Quarry will dominate the local countryside, raising the issue of visual conflict if other more typical turbines are installed within a 10km radius".

To reiterate, this Proposal is not for "a more typical turbine" it is for a turbine with height 150m and rotor area 67% greater and will clearly create a significant visual conflict.

CBC's own policy on wind energy quotes:

Areas requiring the greatest constraint

9.1 *The landscape sensitivity study has identified that there are only limited areas of countryside considered appropriate for wind energy development. Landscapes of increasing complexity, but with some potential for wind energy, have been mapped as having moderate sensitivity; these areas still contain constraining factors which would limit the size and scale of development. Areas of greatest constraint are mapped as having High Sensitivity and include The Chilterns Area of Outstanding Natural Beauty (AONB), The Greensand Ridge, River corridors – Ivel, Ouse, Flit and Ousel, Areas of significant cultural heritage, e.g. Parklands, farmland of historic interest and the settings of landmarks or special buildings.*

9.2 *The smaller scale and complexity of these landscapes is such that vertical features such as turbines would almost invariably be out of character.*

9.3 *Landscapes that are identified as being more sensitive to change have less capacity to accept wind energy. Sensitivity will vary depending on the location within the character area.*

9.4 *Tranquil landscapes: Central Bedfordshire is densely populated and has areas undergoing rapid change as a result of growth area pressures for housing and industry. The area has no truly remote countryside and yet there are locations close to the major towns that are appreciated for their tranquillity, are accessible and retain traditional features. It will be vital to conserve these areas from inappropriate development. These are arguably more precious than more extensive tranquil areas associated with open arable land.*

The proposed site is classified by CBC as within The Greensand Ridge (West), an area defined above as requiring the greatest constraint and an area that is vital to be conserved from inappropriate development.

Further CBC's retained policies state:

9.9 The landscape Sensitivity Study has identified there are only limited areas of countryside considered appropriate for wind energy without there being a significant loss of character and quality.

9.13 This factor reduces the scope for either a large wind farm in this area or the permission of dispersed single turbines as both scenarios would detract from tranquillity. Central Bedfordshire has experienced a marked loss of tranquillity over recent years, and peaceful countryside with open, uncluttered view is a precious resource.

9.15 The scale of development would be critical to acceptability as would satisfaction that the impacts on other sensitive receptors such as biodiversity and local communities were mitigated to an acceptable level.

We contend that the scale and visual intrusion of the proposed development of a second wind turbine would have a significant adverse impact on landscape character, visual amenity and tranquillity. Maintaining these precious resources is part of CBC's own policies and vital to the amenity value of local residents and tourists to the area.

Finally, within the Application specific "view-point" locations have been selected/used to assess the impact of the proposed development on the landscape character. We feel that the worst affected vantage points have been omitted from this analysis.

For a fair assessment of impact within the zone of visual influence, we believe that the "view-point" locations be increased to include views from:-

- The top of the ridge from Overend Green
- The communities at Potsgrove
- Stockgrove Park

To not include an assessment of the impact on the landscape from these "view-points" will result in a conclusion that bears no resemblance to the real impact.

We request that CBC, in discharge of its responsibilities, to ensure a fair and appropriate assessment on the impact of the landscape character, utilises the resources at its disposal to carry out appropriate "site visits" and assessment of impact. We will provide specific site locations upon your request.

4. DAMAGE TO HERITAGE ASSETS

"I would therefore suggest that in simple terms the insertion of a structure of the proposed size (101.5m!) cannot but have an adverse impact on the setting of the various historic assets in the immediate vicinity; it will not preserve the settings of listed structures ... If the definition of setting is widely drawn and a high level of significance is attributed to the nature of the undulating lowland countryside in this part of Aylesbury Vale, then this will be adversely affected by the proposal". AVDC, Historic Buildings Officer. Report on single 101.5m high turbine at Ford and Dinton January 2013.

There would be significant adverse impact on the settings of the local parish churches, the local conservation areas and SSI's and the listed properties contained within the local villages. These are locally important and nationally designated structures and sites. They surround the proposed development site at Checkley Wood.

The adverse impacts are contrary to the general duty under Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act, the Bedfordshire County Plan and Local Development Plans. Consequentially they provide a material planning consideration with no satisfactory mitigation available. CBC should, therefore, refuse this Application on the grounds of its adverse impact on scheduled cultural heritage monuments and their settings.

Both the protection of the setting of Heritage assets and of Conservation Areas are material planning considerations for CBC in determining the impact of development on Heritage assets. This was held to be a material planning consideration sufficient to require refusal of consent in the case of the Ford and Dinton Application for a much smaller (101.5m high) turbine.

We contend that CBC must also uphold these as material planning considerations leading to refusal of consent at Checkley Wood where the combined size of the existing and proposed 150m high turbine will impact directly on the setting of the area's designated churches, conservation areas and other listed buildings.

We submit that 2 wind turbines of up to 150m height with a maximum 112.5m diameter rotating blade will represent an unprecedented visual intrusion in the area with major adverse impacts up to at least 10km and beyond. By any definition this must self-evidently affect the setting of these designated assets.

The designated assets include:

Church of Saint Peter and All Saints, Battlesden (Grade I)

The Church of Saint Mary the Virgin, Potsgrove (Grade II*)

The Church of All Saints, Soulbury (Grade II)

The Church of St Leonards, Heath & Reach (Grade II)

Furthermore, the proposed wind turbine will have a harmful effect on the natural beauty of the rural landscape in this area and on the setting of the regional and local footpaths and bridleways which are in close proximity to the proposed wind turbine.

The significant harm caused to these Heritage assets that have been present for centuries is NOT outweighed by the benefit claimed.

5. DAMAGE TO BIODIVERSITY, ECOLOGY AND THE ENVIRONMENT

“Wind energy is NOT green: It destroys the landscape, it chops up birds, it chops up Bats”.
Professor David Bellamy.

“My concerns are many; however as a long term ornithologist I have noted the loss of many different birds since the implementation of the Double Arches turbine. Amongst others this has included the Buzzard pair, which had been nesting in Kings Wood for about 12 years, the Red Kites which started to regularly hunt around the area including the reserve and sandpits, Sand Martins that would engulf the fields beyond the house in their multitudes, now maybe 5 or 10 at most, the flocks of ducks, geese and swans that would fly during the morning and evening, the owl that utilised our fir tree many nights hunting over the field and, finally, the bats which we would watch in the evening flying around our garden and buzzing close over the decking all gone”. Resident of Sandhouse Cottages, June 2016.

The environmental impacts are literally a question of survival for the varied species of wildlife to be found at, or in close proximity to, Checkley Wood and the SSSI's/NNR that surround it.

Wanton destruction of our precious and highly protected ecology is simply unacceptable.

The Site of Special Scientific Interest (SSSI), Kings Wood is only 900m from the proposed turbine site and closer when allowing for the 112.5m rotor diameter.

Kings Wood is also classified as a National Nature Reserve (“NNR”). The grand flora includes a large number of species which are uncommon or rare in the Country. The lowland heath and acidic grassland represents a habitat that now has a very limited distribution, both in Bedfordshire and over its natural range in Southern Britain.

Kings Wood and Rushmere Park are home to many species of bat (including the nationally rare Barbastelle Bat), Red Kites (2016 may have seen a mating pair in the area for the first time), Buzzards, Badgers and Great Crested Newts.

Many of these species are afforded the highest degree of legal protection under Schedule 1 of The Wildlife and Countryside Act 1981.

“It is an offence to take, injure or kill Red Kite, or to take, damage or destroy its nest, eggs or young. It is also an offence to intentionally or recklessly disturb the birds close to their nest during the breeding season. Violation of the law can attract fines up to £5,000 per offence and/or a prison sentence of up to 6 months.”

There is published data on the carnage that wind turbines cause for Bat and avian populations. This is drawn from an authoritative study published in The Spectator. The data comes from actual field studies and the indisputable evidence of body parts of dead bats and birds found beneath turbines.

Bats

All bats are protected under Schedule 5 of The Wildlife and Countryside Act 1981 (as amended) and included on Schedule 2 of The Conservation of Habitats and Species Regulations 2010. These include provisions making it an offence:-

- Deliberately to kill, injure or take (capture) bats;
- Deliberately to disturb bats in such a way as to be likely-
 - (a) to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or to hibernate; or
 - (b) to affect significantly the local distribution or abundance of the species concerned
- To damage or destroy any breeding or resting place used by bats;
- Intentionally or recklessly to obstruct access to any place used by bats for shelter or protection (even if bats are not in residence).

The words deliberately and intentionally include actions where a Court can infer that the defendant knew that the action taken would almost inevitably result in an offence, even if that were not the primary purpose of the act.

The offence of damaging or destroying a breeding site or resting place (which can be interpreted as making it worse for the bat), is an absolute offence. Such actions do not have to be deliberate for an offence to be committed.

Certain species of bat are listed on Annex II of the EC Habitats Directive (92/43/EEC). Areas of particular importance for these species can be designated as Special Areas of Conservation (SACS) under the Directive. This list includes the Barbastelle Bat (*Barbastella barbastellus*).

The Barbastelle Bat is resident in the area as identified by the Applicant's own survey results.

A radio tracking exercise for Barbastelles, centred on Kings Wood, was undertaken by Bedfordshire Bat Group in 2005. Three such bats were tagged as part of the study and recorded activity was found to be principally to the North and West of Kings Wood.

Bedfordshire Bat Group clarified that the three tagged bats all flew roughly South, each following slightly different flight lines. Notwithstanding the fact that small numbers of bats were tracked, this work is nevertheless significant in that it demonstrates that this Nationally rare species is active in the locality.

The maximum mean distance travelled by these three bats and two other bats observed in 2003 and 2004 was approximately 5km from their roosts. The maximum distance from a roost was recorded as 6.3km. Kings Wood is approximately only 0.87km to the North of the proposed turbine location, so this information is extremely relevant to the understanding of bat movements in the locality.

The conclusions must be that the nationally rare Barbastelle Bat, will be at times, using the Checkley Wood site for foraging and according to the Directive, the area should be given consideration for designation as a Special Area of Conservation.

Finally, the Applicant's report has been produced by Ecology Solutions. We can find no evidence of a review and independent assessment of the impact of the proposed development on the local bat population.

We believe that CBC, in discharge of their duties of protecting bats and, in particular, those on the EC Habitats Directive, MUST request that the Bedfordshire Bat Group provide an independent assessment of the local bat population, its movements and impact of the proposed development.

Birds

All birds, their nests and eggs are protected under The Wildlife and Countryside Act 1981 (as amended). It is an offence to:-

- Kill, injure or take any wild bird intentionally;
- Take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- Take or destroy an egg of any wild bird.

For certain bird species listed on Schedule 1 of The Wildlife and Countryside Act 1981, it is an offence to intentionally or recklessly disturb any wild bird listed on the Schedule while it is nesting, or is at (or near) a nest with eggs or young, or disturb the dependent young of such a bird.

The report from Ecology Solutions, presented by the Applicant, notes that a Buzzard's nest is present in the South Eastern area of the copse on the site. No greater evidence can be provided that this site is being used by species on Schedule 1 that it is CBC's responsibility to protect.

Red Kites have recently moved into the area and as noted by Ecology Solutions use the site for foraging. A pair of Red Kites have been present in the Stockgrove area throughout this year's breeding season and we therefore have good reason to believe they have nested in the vicinity or will shortly do so. These birds are afforded the highest degree of legal protection and given their foraging habits, will be particularly at risk from the proposed development.

Nightjars and Owls are certainly present in the Kings Wood SSSI, only 900m North West of the proposed site.

CBC's own retained policies state that the impact of a wind turbine on bats and birds can be significant depending upon the proposed location. Specifically Section 13.15 quotes

"To minimise risk to bat populations, Natural England advice is to maintain a 50m buffer around any feature (trees, hedges) into which no part of the turbine should intrude. This 50m buffer should be measured from the rotor swept area (not the hub/base of the turbine) to the nearest point of the habitat feature."

For the proposed Checkley Wood turbine, this buffer zone would equate to roughly 106.25m from the base of the turbine (50m plus 56.25m less allowance for the angle to the ground).

Ecology Solutions states that *"the adjusted position of the turbine is some 80m from the hedgerow to the West and at least 71m from the hedgerow to the South East"*.

We contend that neither distance meets the requirements of both Natural England and CBC's own policies and, we can therefore conclude, that the siting of the turbine is in direct contravention of these requirements.

The only possible solution is to move the location of the turbine, but as we know, due to the presence of the copse, the A5 and the existing Double Arches turbine, this is NOT possible without further compromising safety, noise or environmental amenity.

Furthermore, the protection of the local wildlife, ecology and biodiversity are key elements of CBC policies. Section 13.9 of CBC's own policies states:

"The National Policy Statement for Renewable Energy Infrastructure (EN-3) highlights that there is the potential for rotating blades of a wind turbine to strike birds and adversely affect bats resulting in death or injury.

Where appropriate, planning permission will not be granted for development that fails to enhance or create wildlife habitats or sites of geological interest. The Council will refuse planning permission for proposals that would result in harm to designated or proposed Sites of Special Scientific Interest (SSSI) or National Nature Reserves (NNR), unless the reasons for the development clearly outweigh the nature conservation value of the site and the National Policy to safeguard such sites. Where such development is permitted, measures will be required to mitigate or compensate for the effects of the development."

We contend that with a separation distance of only 900m from the Kings Wood SSSI/NNR, the proposed development of a 150m high structure, with a 9,935m rotating turbine area, in conjunction with the existing 5,942m area of the Double Arches turbine, will harm the designated SSSI/NNR. That being said, this development could only be approved if CBC are able to clearly demonstrate that the reasons for the development outweigh the nature conservation value.

We contend that by any metric, this is NOT achievable.

6. HARMFUL IMPACTS ON RESIDENTIAL AMENITY

A further impact of the visual intrusion of this turbine (in conjunction with the original turbine) will be on the residential amenity of people living in close proximity to the site. In Planning Law, there is no right to a private view. However, at a Public Enquiry at North Downer the Inspector David Lavender established an important principle, now known as the “Lavender Effect” test when he said:

“When turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be regarded as an unattractive, and thus unsatisfactory (but not necessarily uninhabitable), place in which to live. It is not in the public interest to create such living conditions where they did not exist before”.

In other words the issue is not whether the properties become “unliveable”, but whether they become significantly less attractive places to live. As we will show, this is undeniably the case in this Application.

This was reinforced in an Inquiry for the Wadlow wind farm where the Inspector quoted, almost verbatim, the same statement from David Lavender in confirming his decision for refusal.

This ‘*Lavender Test*’ has become accepted in Planning Appeals as the criterion against which to judge whether the loss of residential amenity in a given case can become determinative in a planning Application for a wind farm. We argue that this is undeniably the case here.

There are 3 groups of houses that are so seriously, adversely affected such that many of them would come to be regarded as an unattractive and, thus, unsatisfactory place in which to live. The Applicant provides a list of settlements within 4km of the proposed site and does admit that there will be a significant effect on the visual amenity of certain residents of some properties in Great Brickhill.

Conspicuously, the Applicant fails to mention the settlements of Potsgrove, Overend and properties on Sandhurst Lane/A5. The properties within these settlements will suffer the greatest visual impacts and yet they fail to receive any consideration.

Below we list the properties affected and the combined impact on them of the Double Arches and Checkley Wood wind turbines.

POTSGROVE

The settlement of Potsgrove was first recorded in the Domesday Book of 1086. It now comprises 8 homes that sit approximately 150m above sea level, some 50m above the base of the proposed turbine. The settlement lies approximately 1200m to the East of the proposed development site and sits upon a ridge, with the majority of houses sited along the road at a height substantially above the base of the proposed turbine. If this development were permitted, the topography would result in the properties facing directly into the **COMBINED EFFECT OF THE EXISTING DOUBLE ARCHES WIND TURBINE AND THE PROPOSED CHECKLEY WOOD TURBINE, OCCUPYING ALMOST 16,000M² OF SKYLINE**. The impact can only be truly assessed by standing in the gardens of the affected properties. Looking West and South West the entirety of the field of visual influence will be that of the 2 rotating turbines. By any objective assessment of visual impact, these properties will come to be regarded as an unattractive and thus unsatisfactory place in which to live and will **FAIL THE 'LAVENDER TEST'**.

The houses affected are:

Hill Farm
Hill Farm Cottage
The School House
The Old School
Two Farm Cottages

And from the North side of the lane:

Manor Farm
The Coach House
The Old Rectory

WE STRONGLY REQUEST THAT REPRESENTATIVES OF THE APPLICANT AND CBC OFFICERS AND COUNCILLORS VISIT THIS SITE AND ATTEND:

**MR K OCHILTREE & MISS S WADD
THE OLD SCHOOL
25 THE VILLAGE
POTSGROVE
WOBURN MK17 9HG**

TO ENABLE THEM TO RECOGNISE THE IMPACTS OF THIS PROPOSAL ON THE RESIDENTIAL AMENITY OF THE AFFECTED PROPERTIES.

Sandhouse Lane/A5

As for Potsgrove, the properties on the corner of Sandhouse Lane and the A5 are not mentioned. The properties are located approximately 700m to the North of the proposed development site. The properties are situated at roughly the same sea level as the base of the proposed turbine. The view from the rear garden, being the only one available to these properties will be that of the 2 combined Double Arches and Checkley Wood wind turbines. The vista will be that of both the turbine columns and almost 16,000m² of rotating turbine blade. By any objective assessment of visual impact, these properties will come to be regarded as an unattractive and thus unsatisfactory place in which to live and will **FAIL THE 'LAVENDER TEST'**.

The properties affected are:

1-7 Sandhouse Cottages
The Sandhouse Cottage
Sandhouse Cottage
Trellis Cottage
The Cottage

WE STRONGLY REQUEST THAT REPRESENTATIVES OF THE APPLICANT AND CBC OFFICERS AND COUNCILLORS VISIT THIS SITE AND ATTEND:

**Mr P Brackenbury
The Cottage
Watling Street
LU7 9RA**

TO ENABLE THEM TO RECOGNISE THE IMPACTS OF THIS PROPOSAL ON THE RESIDENTIAL AMENITY OF THE AFFECTED PROPERTIES.

Overend Green

The settlement of Overend Green sits on the ridge opposite Potsgrove to the South West of the proposed development site. Similar to Potsgrove, it sits at an altitude of approximately 150m above sea level and is only approximately 400m from the Double Arches site and 900m from the proposed Checkley Wood site. Once again, the Applicant fails to mention any visual impact on the properties located in this settlement. Consistent with Potsgrove, the affected properties sit along the ridge line with views into the valley below. That valley, if this Application is not refused, will be entirely dominated at site level by the presence of 16,000m² of rotating turbine blade. By any objective assessment of visual impact, these properties will come to be regarded as an unattractive and thus unsatisfactory place in which to live and will **FAIL THE 'LAVENDER TEST'**.

The properties affected are:

Overend Green House
Corn Mill Barn
Heatheredge
Overend Green Farm
Bethany

WE STRONGLY REQUEST THAT REPRESENTATIVES OF THE APPLICANT AND CBC OFFICERS AND COUNCILLORS VISIT THIS SITE AND ATTEND:

**MR J ADAMS
HEATHEREDGE
OVEREND GREEN
HEATH AND REACH LU7 9LD**

TO ENABLE THEM TO RECOGNISE THE IMPACTS OF THIS PROPOSAL ON THE RESIDENTIAL AMENITY OF THE AFFECTED PROPERTIES.

The visual impacts on all of the above mentioned properties are significantly magnified due to the fact that the Applicant is attempting to erect a turbine of such massive size that it is far too large for the site and is situated far too close to the existing Double Arches turbine in contravention of National Policy Recommendation.

The resulting impact for the aforementioned properties is of a continual vista of rotating turbine blade, further amplified by the relative height differences of 2 of the settlements to the proposed turbine base.

We contend that the properties noted will fail the 'Lavender Test' and that there are more on which the impact will be wholly unacceptable.

Additionally, the Applicant dismisses the impact on Stockgrove Park. The Applicant quotes Stockgrove Park House as being "a school". The school closed in 1995 and since then the house has been separated into 7 Grade II listed dwellings. The visual amenity of Stockgrove Park residents will be significantly, adversely affected by the combined impact of 16,000m² of rotating turbine blade directly in the line of sight when looking North East, across Stockgrove Park.

Finally, there is now substantial case evidence from the Appeal Tribunals of The Valuation Office Agency (VOA) that the value of houses located in proximity to wind farm developments are devalued by up to 25%. Rulings from such appeal proceedings are available on line.

In summary, we believe numerous houses fail the '**LAVENDER TEST**' and contend that there are more on which the impact will be wholly unacceptable. These are material planning considerations, they cause real harm, they cannot be properly mitigated and there is NO benefit here which can possibly be held to outweigh this damage.

7. HARMFUL IMPACTS ON RECREATIONAL AMENITY

The enjoyment of the unspoilt countryside is one of the key amenities available to both local residents and visitors alike. It is also a vital income generator for a number of local businesses and clubs. The removal of this enjoyment through the visual intrusion of a 150m high industrial development is an adverse impact on people's quality of life which CBC is pledged to prevent.

Significant visual impacts on the users of the countryside will occur up to 5km distance.

It is sometimes claimed by developers that people will have different views on how wind turbines will affect their ability to enjoy the countryside. This point was considered by an inspector in this decision for a wind farm near Oundle:

"Some would choose to view the turbines at close quarters and for them the Public Rights of Way would have considerable attraction. But that would not be so for local people who would be only too familiar with the turbines and would have lost the benefit of a rural tranquil network. Overall the proposed wind farm would have an adverse impact on the users of nearby Rights of Way".

CBC's Policy document "Wind Energy Development in Central Bedfordshire" Section 2.12 states:

- *The need for renewable energy, does not automatically override environmental protections and the planning concerns of local communities;*
- *Decisions should take into account the cumulative impact of wind turbines and properly reflect the increasing impact on (a) the landscape and (b) local amenity as the number of turbines in the area increases;*
- *Local topography should be a factor in assessing whether wind turbines have a damaging impact on the landscape;*
- *Greater care should be taken to ensure Heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.*

The proposed 150m high turbine, in conjunction with the existing Double Arches turbine will be clearly visible from many public Rights of Way, including the Greensand Ridge Walk. The Greensand Ridge Walk is engaged by local residents and brings many visitors to the area each year. The Applicant notes that significant effects of the proposed development would be incurred by part of the wooded Greensand Ridge LCT.

CBC has identified The Greensand Ridge as highly sensitive and as an area requiring the greatest constraint.

That “constraint” would not be met by the significant effects of this proposed development.

The two turbines will also be clearly visible from public footpaths 1 and 2 in Heath and Reach, footpaths 3, 4 and 7 in Potsgrove and footpath 1 in Battlesden, clearly impacting the recreational amenity of using these routes.

Rushmere Park is also an important resource for local residents and attracts significant number of visitors. Again the view from the Stockgrove ridge will be particularly blighted by the combined effect of the turbines.

Of particular impact will be Jones Pit Fishing Lake owned by RK Leisure (a company that only recently commenced business). The proposed site of the turbine will be only 200m from the location of the property and the noise and visual impact of the turbine will have such a massive impact on the enjoyment of the facilities as to make the recreational enjoyment null and void.

Finally the village of Heath and Reach’s Sports Ground, which is enjoyed by so many of the local residents will suffer a severe adverse effect. The Grounds (which host football, cricket, tennis, basketball and other events) will be immediately under the shadow of the combined turbines. The recreational enjoyment of the users of this community space will be substantially impaired by the presence of 16,000m² of rotating turbine blade appearing to be immediately overhead.

CBC has an obligation to protect both the countryside and the community owned recreational spaces. **This development is in direct conflict with that obligation and on that basis will clearly cause harm that cannot be mitigated.**

8. HARMFUL IMPACTS FROM TURBINE NOISE

“Excessive noise is harmful to human health, particularly through adverse affects on sleep”.
WHO 2011, Burden of Disease from Environmental Noise.

Regulation of wind turbine noise is recognised as necessary to prevent adverse affects on the human population.

The assessment of noise and the harmful impacts on human health from wind farms are both complex and highly technical subjects.

ETSU-R-97

The Government realised early in the development of onshore wind that if the noise output was assessed under the existing methodology for industrial development (BS4142) which limits noise output to 5dB above background then, because most wind turbine sites were in rural locations with low background noise, it would mean that most wind farms would be refused. **Therefore they introduced a specific methodology – ETSU-R-97 – for assessment of noise from wind farms in 1997 which we contend is now seriously out-of-date.**

The compromise ETSU has adopted between not constraining onshore wind farm development and protecting the amenity of local residents means that it has adopted significantly less stringent noise requirements than are in place for other industrial developments.

ETSU states in its Executive Summary *“this document describes a framework for the measurement of wind farm noise and gives indicative noise levels to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development or adding unduly to the costs and administrative burdens on wind farm developers or local authorities”*. It is reasonable to infer, therefore, that the authors’ had no certainty that their recommendations were adequate nor were they solely concerned with protecting the sleep and health of wind farm neighbours and, therefore, moderated their recommendations accordingly.

The acoustical shortcomings of ETSU have been discussed in detail in several publications (Bowdler 2005 and Cox, Unwin, Sherman 2012 are examples). Despite the growing evidence of harm and the authors’ caveats, no substantive review of the fundamental principles of ETSU has been conducted nor has any substantive research been conducted in the UK. The Hayes McKenzie Partnership conducted a small study on behalf of The DTI in 2006 as result of which they recommended reductions in night-time noise levels. These were removed from the final report, only emerging after the earlier drafts were obtained using Freedom of Information Requests (DTI 2006, The Measurement of Low Frequency Noise at 3 UK Wind Farms plus draft reports 2006 A,B,C).

Even after considering the potential shortcomings of ETSU-R-97, the Noise Impact Assessment provided by Hayes McKenzie contains many estimations/approximations. These may be summarised as:

1. In May 2013 the Institute of Acoustics (“IOA”) published “A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise”. This was subsequently endorsed by The Secretary of State for Energy and Climate Change.

Within the document, additional guidance is provided on noise prediction and a preferred methodology for dealing with wind shear.

Wind shear is the rate at which wind speed increases with height above ground level. This has particular significance to wind turbine noise assessment where background noise measurements are referenced to measurements of wind speed at 10m height which is suggested as appropriate by ETSU-R-97, but which is not representative of wind at hub height, which is what affects the noise generated by the wind turbine.

The preferred method of accounting for wind shear in noise assessments is by referencing background noise measurements to hub height wind speed.

The Applicant’s noise impact assessment states *“It is understood that the baseline noise survey to derive the noise limits in the Planning Conditions for the Double Arches wind turbine refers to a wind speed measurement height of 10m. In absence of hub height wind speed data, the GPG suggests a simplified method (Section 4.5 Wind Shear, Paragraph 4.5.4), which consists of subtracting a fixed value of 3m/s from the wind turbine’s wind speed reference for hub heights greater than 60m. This results in moving the predicted wind turbine noise levels to the left along the x axis (wind speed) by 3m/s.”*

The Applicant has been able to calculate the average wind speed at hub height within the Energy Production section at 6.9m/s. Furthermore, the adjustment made is for hub heights above 60m. It is clearly open to question whether a further adjustment is necessary when the actual hub height is 93.5m or 50% higher.

Greater accuracy is required to fully assess the impact of wind shear on the turbine noise output.

2. The “predicted” noise levels assume that the wind turbine noise contains no audible tones. The ETSU-R-97 noise limits require a tonal correction to be applied to any derived turbine noise levels resulting from noise measurements of the operational turbine which depends upon the amount by which the tone exceeds the audibility threshold.

We can see no evidence that the manufacturer of the turbine has been approached regarding audible tones and that such a tonal correction is not required. CBC must ensure that any required tonal adjustment is made to the noise assessment figures.

3. Acoustic performance measurements have been taken from a turbine with hub height of 140m. Performance measurements must be taken from the actual turbine proposed with hub height 93.5m and not estimated.
4. Measured sound power levels were provided for Vensys 2.5mw turbine and not the 3mw turbine proposed in the Application.
5. Noise limits applied to the nearest residential properties to the proposed wind turbine are taken from Planning Condition 10 within Planning Permission CB/14/04463/VOC (Double Arches wind turbine).

CBC appointed MAS Environmental to review these noise conditions. Their Report was presented to CBC in February 2015. It is our understanding that the Report identifies concerns in how background noise levels were measured, the impact of wind shear and whether wind speeds were measured or standardised. Given the significant potential increase in noise from this subsequent proposal, these concerns now need further review and consideration.

Given the uncertainties inherent within the above estimations, it is vital that CBC in discharge of their responsibility to protect Public Health, commission MAS or other suitably qualified body to prepare an independent Noise Impact Assessment.

We would add that since this is a matter of Public Health, such a report should err on the side of caution.

Excess Noise Levels

Most importantly, even after the previous assumptions and potential omissions, the conclusion of the Noise Impact Assessment is that noise levels **will be in excess of adopted noise limits at H14-H17, H18 and H19 during daytime hours where the cumulative effect of both wind turbines would result in an exceedance of the noise limits at 3-4m/s wind speeds.**

The Noise Impact Assessment suggests ***“Checkley Wood wind turbine is therefore only operated for wind speeds greater than (measured) 4.5m/s when the residential properties are downwind of the wind turbine (i.e. when the wind is blowing from the North East)”.***

The impact of this is to reduce energy production and, therefore, the amount of benefit.

In the original Application for the Double Arches turbine (CB/10/03034), the Applicant concluded that *“two turbines would be sited too closely thereby increasing noise levels”.*

This assessment has merely served to confirm this and that the conclusions reached in 2010 were correct The optimal solution was for 1 large turbine We already have that solution and it is therefore clear that CBC must agree with both this paper and the Applicant’s original planning approval (CB/10/03034) and refuse permission.

Amplitude Modulation

Wind turbine noise emissions are amplitude modulated (“AM”) as the turbine blades pass the tower and pass through areas of differing wind speeds. The effect may be increased if there is interaction between the emissions from nearby turbines (in this case the existing Double Arches turbine at only 410m distance), and from the diameter of the rotor (in this case 112.5m). The result is an impulsive noise character often described as “thumping” or “rumbling”. The degree of AM varies with a number of factors including wind speed and direction and blade configuration. Especially prominent modulation is deemed to be excessive amplitude modulation (“EAM”).

ETSU-R-97 makes some allowance for AM (3dB peak to trough) in the near field, but makes no allowance for far field modulation nor for lower frequency noise content.

Chris Heaton-Harris MP is sponsoring the Independent Noise Working Group (“INWG”) to produce a Wind Turbine Amplitude Modulation (“AM”) and Planning Control Study.

The initial reporting phase of the work is now available and the findings have been presented to the Minister of State at The Department of Energy and Climate Change ("DECC") in October 2015. The Report was well received by the Minister who stated:

"DECC has recognised that Amplitude Modulation noise produced by wind turbines can be a cause of concern for some residents. DECC has appointed an external consultant to review the available evidence on AM with a view to recommending how excessive AM might be controlled through a planning condition. The INWG's study will be considered alongside other evidence that is being gathered as part of that review".

The INWG have now published their research and contend some dramatic and disturbing findings. These have been published and are summarised by the INWG as:

1. Excessive Amplitude Modulation (EAM) is a Significant Factor. Noise complaints from wind farms are primarily related to a phenomenon called Amplitude Modulation (AM). This is commonly described as a 'whoomp', 'swish' or 'beating' type noise. It is the character of the noise that tends to make AM wind farm noise most intrusive. A recent Scottish study found that at 1-2km from the wind farm, 72% of those suffering audible noise strongly disliked the noise. When it becomes intrusive to people we call it EAM, or Excessive Amplitude Modulation. These noise components are not covered by the ETSU guidelines and we know of only one wind farm planning decision in the UK where a planning condition has been imposed for AM noise (Den Brook, Devon).
2. There Have Been Decades of Deception. The wind industry has consistently denied the existence of EAM. Our research shows show that EAM is a frequent occurrence potentially affecting all industrial wind turbines, often for long periods of time and most frequently during the night time. A 2014 survey of Local Planning Authorities (LPAs), completed by Chris Heaton-Harris MP (Conservative, Daventry) and analysed by the INWG, shows that not only are incidents of EAM more frequent than the wind industry hitherto has claimed, the progress in resolving them is inconclusive and there are inconsistent approaches to dealing with it across the country. LPAs in the survey call for guidance on measuring and testing for EAM as well as nationally agreed standards that are consistently applied and provide effective mitigations for it. There is also anecdotal evidence of a 'silent majority' who suffer in silence without knowing how to complain, not wanting to get 'involved' or because of a fear of adverse implications; if, for example, they had to disclose any complaint should they wish to sell their house.

3. Existing Legal Remedies are Found Wanting. We have found that the remedies available for wind farm neighbours affected by turbine noise are not fit for purpose. Statutory Nuisance has been actively advocated by the wind industry and supported by Planning Inspectors. Evidence however suggests that an Abatement Notice is not an effective control to protect nearby residents from EAM. Others such as private nuisance and similar legal actions have been considered but these place too much risk and burden on residents for a problem not of their making with likely long term adverse financial implications. In addition, there has been a recent trend of secondary operators forming individual shell companies for each wind farm. The impact of this was highlighted in July 2015 when David Davis MP (Conservative, Haltemprice and Howden) introduced a Bill in Parliament with the purpose of requiring wind farm developers to obtain public liability insurance for any nuisance that they may cause to nearby residents. In particular this is aimed at noise nuisance. One of his constituents had a problem with noise from a local wind farm but had found it impossible to sue because the wind farm operator was purely a shell company with very limited assets.

Wind Turbine Noise Adversely Affects Sleep and Health. It is abundantly clear from the evidence examined by a world renowned expert in sleep medicine working with the INWG that wind turbine noise adversely affects sleep and health at the setback distances and noise levels permitted by ETSU. There is no reliable evidence that wind turbines are safe at these distances and noise levels, not a single study. In contrast there is an increasing volume of studies and evidence outlined to the contrary. There is particular concern for the health of children exposed to excessive wind turbine noise. The inadequate consideration of EAM is a major factor in the failure of ETSU to protect the human population. The denial of this by the wind industry is reminiscent of other health issues in the past. For example, the tobacco industry and the adverse effects of cigarette smoking.

4. ESTU is Not Fit for Purpose. We show irrefutable evidence to discredit wind industry and government claims that ETSU provides a robust noise assessment methodology. This conclusion is supported by the recent Northern Ireland Assembly report, January 2015, into wind energy where it recommends, *"Review the use of the ETSU-97 guidelines on an urgent basis with a view to adopting more modern and robust guidance for measurement of wind turbine noise, with particular reference to current guidelines from the World Health Organisation"*.
5. We Need an Effective Planning Condition for AM. The wind industry claims that an AM planning condition is not necessary and that the legal remedy of Statutory Nuisance provides adequate protection are thoroughly discredited by the evidence we have published. Without an AM planning condition there is no effective remedy for wind farm neighbours against excess noise. The relevance of EAM in causing noise complaints has driven the wind industry to ensure that an AM planning condition is not applied as standard planning practice. The Application of an AM planning condition to the Den Brook (Devon) wind farm planning consent during 2009 presented a serious risk to the wind industry of a similar planning condition becoming the standard for future wind farm consents. The wind farm developer for the Den Brook wind farm has gone to enormous effort, at enormous expense, over an 8 year period to ensure first that an AM planning condition is not applied, then to have the applied planning condition removed, and finally to have it sufficiently weakened presumably to ensure

it prioritises operation of the wind farm rather than provide the intended protection against EAM.

6. There is a Lack of True Independence. The wind industry strategy of obfuscation capitalising on the trusted position of the Institute of Acoustics (IoA) as a scientific institution is discussed in our research findings. *(And continues)*

What are the INWG Recommendations to National Government?

- Replace ETSU. Replace the use of ETSU, as recommended by the Northern Ireland Assembly report January 2015, with a procedure based on the principles of BS4142: 2014. This will bring wind turbine noise assessment into line with other industrial noise controls. New guidance of this type should be formulated in a Code of Practice that sets out a BS4142: 2014 type methodology that reflects noise character and relates impact to the actual background noise level and not an artificial average.
- Introduce an Effective AM Planning Condition. Based on the experience at Cotton Farm wind farm in Cambridgeshire, where there has been long term professional and independent noise monitoring, we recommend an effective AM planning condition should be part of every wind turbine planning approval unless there is clear evidence it is not needed. For assessing and controlling wind turbine noise AM, it is recommended that:
 - Where wind turbine noise level and character require simultaneous assessment then BS4142:2014 should be used. The rated wind farm noise level should not exceed +10dB above the background noise level.
 - Where only wind turbine noise AM requires assessment then a Den Brook type planning condition should be used.
- Continuous Noise Monitoring. Continuous noise monitoring of wind turbines should become a standard planning condition for all wind turbine planning approvals as recommended in the Northern Ireland Assembly report, January 2015. This should be funded by the wind turbine operator but controlled by the Local planning Authority (LPA) with the noise data made openly available to ensure transparency. The Cotton Farm community noise monitor describes an example of how this can be achieved. See: http://www.masenv.co.uk/~remote_data/
- Further Research into the Impact of Low Frequency Noise. There is a need to commission independent research to measure and determine the impact of low-frequency noise on those residents living in close proximity to individual turbines and wind farms as recommended in the Northern Ireland Assembly report, January 2015.

- Issues of Ethics, Conflict of Interest & Independence. The government should deal decisively with the ethical issues surrounding the Institute of Acoustics (IoA) wind turbine noise working groups. Government departments should disassociate themselves from the IoA until conflict of interest and ethics issues are resolved and full transparency is restored.

The full report and detailed working papers are available online at the Chris Heaton-Harris website, which as the Minister of State concluded, should be considered alongside other evidence, as part of CBC's review of this matter.

MAS Environmental Report February 2015

MAS were appointed by CBC to assess noise impacts for the existing wind turbine at Double Arches Quarry. The report produced by MAS addresses the Application (CB/14/04463) to vary condition 10 of the original planning approval which sets noise limits for dwellings around the wind turbine site. Sections 3.4 and 3.5 of the MAS report state:

“The second element relates to excess or enhanced AM Following research by MAS and the Japanese in 2013, the wind industry body Renewable UK released research confirming the existence of EAM as a problem and proposing a draft planning condition. It is evident from the individual publication dates of the Renewable UK research projects that lead researchers of the project accepted the need for an AM condition from around January 2013, though the formal publication of the study was not until December 2013. There are also cases where The Secretary of State has accepted the need for conditions to control EAM. The proposed Renewable UK condition has been shown to fail to prevent any EAM impact and a number of research groups are now attempting to develop an enforceable and workable condition that controls EAM. Despite the plethora of evidence regarding EAM impact, the IOA Working Group has not revised their guidance on AM.

The more extensive Japanese study based on 34 wind farms and conducted on behalf of the Japanese Government, concluded AM was a common problem at wind farms and caused serious annoyance. The extensive research at Cotton Farm in Cambridgeshire, which has developed the largest database of wind farm noise in the UK has shown that EAM is a very common problem causing widespread community complaints”.

MAS then went on to comment on the GTEAM (“Greater Than Expected AM”) and EAM with regards to the Double Arches Application. MAS stated within Section 4.5 of their report that:

- There is overwhelming International evidence to support that EAM is a common occurrence;
- That there is the need for EAM control; and
- That the condition is easy to implement and is workable.

Furthermore, in the Application Report by Hayes McKenzie they conclude:

“This has resulted in the inclusion of a mechanism to assess and regulate AM effects in the standard form of a condition frequently applied to wind farm developments as included in the IOA GPG. The IOA is currently reviewing this mechanism and recently released a discussion document which reviews several different methods for rating AM in wind turbine noise”.

They do not, however, state whether such a condition has been applied.

In conclusion:

- AM is a potential Public Health hazard.
- Levels of EAM/GTEAM must be controlled at the Double Arches/proposed Checkley Wood site.
- We contend that MAS Environmental or other suitably qualified body should be appointed by CBC to prepare an independent Noise Impact Assessment, taking into consideration the work of the various groups on AM and recommend a methodology for dealing with AM at the proposed site.

CBC has an overriding Public Health responsibility which obliges it to assess and recognise the issues raised above fully in advance of determining the Application.

9. HARMFUL IMPACTS FROM SHADOW FLICKER

Shadow Flicker is well described by the Applicant.

“A wind turbine can cast long shadows, when the sun is low in the sky. When the sun is specifically positioned in the sky with respect to a turbine and the window of a neighbouring dwelling, this shadow may pass over the window, potentially causing a drop in light levels which comes and goes with each pass of a blade”.

Engena have compiled a Shadow Flicker Assessment. Within that Report they identified a zone of potential effects with a radius of 1,237.5m which includes 249 dwellings.

The Report identifies 22 dwellings that will suffer a Flicker effect with a maximum occurrence on 91 days a year (Checkley Wood Farm) and in total on 254 days a year.

The Shadow Flicker effect in these houses will provide a significant adverse effect to the residential amenity of the houses and will have a detrimental impact on the lives of the residents.

The Report then attempts to suggest certain features that have the “potential” to act as screening for the dwellings, but even this potential screening is described in many instances as :-

- Unlikely to provide significant screening
- Only provide low level screening
- Unlikely to provide screening
- Potentially screening To a minor extent

In summary, it clearly concludes that there is no screening for these properties and that the negative impact on the lives of the residents has not been mitigated.

The solution suggested by Engena is *“If effects are observed by the residents, to protect their amenity, control of the turbine would be used to turn the machine off during the brief periods identified when conditions are such that the effect may occur”.*

Given the Report demonstrably shows that effects will be observed, we do not understand why the word “if” is inserted in the above Statement Shadow Flicker effects will be present and, therefore, they will be observed.

Given the Applicant’s own report and conclusions, we understand that, this would mean switching the turbine off, at times, on 254 days out of every 365.

If there was ever an admission that this is the wrong location, this must be it.

The Shadow Flicker Assessment Report has confirmed that the proposed Checkley Wood wind turbine will:-

- Reduce the residential amenity of 22 dwellings
- That the impact cannot be mitigated through screening
- That the only possible mitigation is to switch the turbine off, at times, on up to 254 days a year
- That the potential benefits from energy production have been, once again, diminished

10. HARMFUL IMPACTS ON PUBLIC HEALTH

“Like the wind industry today, the tobacco industry denied for many ears that there were any adverse health effects from their products. Corporate denial of a health problem is generally a delaying tactic not in the best interest of the public”. Dr. Keith Stelling MA, NAIMH, Kip Phyt, MCPP (England)

We now turn to the crucial question of Public Health, where we believe more work is required and needs to be fully evaluated by CBC.

The potential impacts include:-

- Physiological disturbance from Shadow Flicker
- Impacts arising from noise levels above permitted limits
- Physiological effects from low frequency infra-sound
- Sleep deprivation and stress related illnesses

The level of understanding required to fully assess these risks is beyond our level of comprehension.

We could quote multitudes of research paper that suggest a causal link between the presence of wind turbines and damage to Public Health. Correspondingly we accept the Applicant can find research that suggests such a link is not present. However, we are talking here about Public Health and, as such, “probably” is not sufficient. We need to be certain.

We, therefore, believe that given there are 249 dwellings within 1,237m of the proposed turbine, CBC must review this area in detail and satisfy itself that the proposed development is NOT a risk to Public Health as part of its fundamental responsibility to protect Public Health.

11. RISKS TO AVIATION AND AIR SAFETY

“It is essential that wind energy developers form a relationship with the relevant service provider in order to deal with the harm that their development may cause, prior to making an Application. It is the responsibility of the developer to consult with the aviation stakeholder to discuss whether mitigation is possible and, if so, how it would best be implemented”. Civil Aviation Authority : CAP 764 Policy and Guidelines on Wind Turbines.

The Liaison Group of UK Airport Consultative Committees has reminded LPAs that they also have a role to ensure such consultation takes place in the case of wind farm Applications:

“Where in a proposed development the height of a building or structure would exceed the level indicated on the safeguarding map for that area, the local planning authority is required to consult the Airport. Consultation is also required in any case within a 13 kilometre zone marked on the map were the proposed development is for other aviation uses or is likely to attract birds and to wind farm developments **within a 30 kilometre radius**”

Air Safety is not an issue for which partial or selective evaluation by the Applicant or scrutiny by the LPA is acceptable. *“Good enough”* is not acceptable when public safety is being put at risk. Checkley Wood lies in very close proximity to special settlements, the A5 trunk road and the West Coast mainline railway, not to mention the major populations of Milton Keynes and Leighton Buzzard. **Any air safety incident involving collision between aircraft and turbines could well have catastrophic consequences and result in substantial loss of life.**

National Policy Statement EN 1 requires that:

“The Applicant should consult the MoD, CAA, NATS and any aerodrome – licensed or otherwise – likely to be affected by the proposed development in preparing an assessment of the proposal on aviation or other defence interests”.

So again, it is the responsibility of the Applicant to ensure that their consultation of all aerodromes, whether licensed or not, is comprehensive.

MOD

Under NPS EN-1 (DECC 2011a) developers are required to consult with Defence Estates (Ministry of Defence, MoD), Civil Aviation Authority (CAA), National Air Traffic Services (NATS) and any aerodrome likely to be affected by the proposed development to determine whether or not the proposal will conflict with their activities.

The Ministry of Defence have responded to the proposal and has stated that *“they may have concerns”*.

It should be noted that the response was made on the basis of 1 turbine at height of 143.5m and not based upon the current proposal of 149.8m. Given the additional height, we can only assume they will be even more likely to have concerns.

The MOD state that the proposed turbine will be 74.1km from, detectable by and may cause unacceptable interference to the ATC radar at RAF Wittering.

Wind turbines have been shown to have detrimental effects on the performance of MOD, ATC and Range Control radars. These effects include the desensitisation of radar in the vicinity of the turbines and the creation of false aircraft returns which Air Traffic Controllers must treat as real. The desensitisation of radar could result in aircraft not being detected by the radar and, therefore, not presented to Air Traffic Controllers.

The MOD also states that fixed wing, low flying training takes place throughout the UK to a height of 250ft above ground level and down to a height of 100ft above ground level in certain designated areas. A turbine development of the height and at the location proposed may have an impact on low flying operations.

It is essential that the MOD is consulted with the correct height/size of the proposed turbine and their response fully taken into consideration in the planning determination.

Gliding Activity

This is a known and popular area for gliding. London Gliding Club at Dunstable Downs and several others regularly use this area in order to avoid the controlled airspace of Luton Airport. On Wednesday, 22 August 2012 an incident involving two very near misses by gliders of the Met Mast (near Stoke Hammond) occurred due to sudden loss of lift. One pilot said he had not even seen the met mast before his unplanned landing.

Glider activity is already marked on the relevant Visual Flight Rules Chart. The London Gliding Club at Dunstable Downs has also been annotated on the Cranfield Instrument Approach Procedure charges.

Cranfield Airport

CAP 764, Chapter 5 Wind Turbine Development Planning Process of the CAA Policy Document provides guidance on the suitable distances to consult aerodromes according to the onsite facilities. The distances are:

- a) Unless otherwise specified by the aerodrome, or indicated on the aerodrome's published wind turbine consultation map, within 30km of an aerodrome with a surveillance radar facility.
- b) Within air space coincidental with any published instrument flight procedure to take into account the aerodrome's requirement to protect its IFP's.

- c) Within 17km of a non-radar equipped licenced aerodrome with a runway of 1100m or more.

Cranfield Airport is 12.7km North of the proposed site and has a maximum runway length of 1799m. We have contacted Cranfield Airport (May 2016) and they have confirmed they were not aware of the proposed Checkley Wood wind turbine.

Cranfield Airport is an airport in the process of expanding with the consequential socio-economic benefits this would bring to the region and CBC has responsibility to facilitate this.

Cranfield Airport must be informed of the proposed development and consulted with fully.

This area is also home to a large number of other low level manoeuvres. The same airspace is also being used for military and emergency service purposes. Cranfield Airport itself has one of the largest flight training schools in the country and RAF Halton uses the airspace for training purposes and gliding.

At the date of this report, we have not been able to find responses from:-

- MOD (as noted above)
- Cranfield Aerodrome (we contacted Cranfield Aerodrome Administration Team at the beginning of May 2016 who were unaware of the proposed Checkley Wood Turbine)
- Luton Airport
- The London Gliding Club at Dunstable Downs
- Met Office (as of April 2015 the Met Office became a statutory consultee for planning relating to their technical infrastructure)

Prior to determination, CBC must ensure that all these parties have fully considered the nature and details of the proposed Application and responded in full with any concerns they may have.

12. PUBLIC OPINION AND LOCAL OPPOSITION

"We have to work harder to find places where wind farms are acceptable to communities. Frankly we need to be prepared to bribe them". Tim Yeo, MP, Chairman House of Commons Committee on Energy and Climate Change.

We close this submission by returning to the people involved.

Government spokesmen have lately been at pains to defend the rights and interests of local communities confronted by wind farms blighting their lives. This Action Group has been given a mandate by the majority of local people alongside their parish councils who unanimously recommend refusal, to contest this Application and secure CBC's determination for refusal.

The National Planning Practice Guidance ("NPPG") was published on 6 March 2014. Policy is provided by the NPPF whilst guidance on how to use it by the NPPG.

On 18 June 2015 a new section (reference ID: 5-033-150618) was added by The Secretary of State. This states:

"Local Planning Authorities should (subject to the transitional arrangement) only grant planning permission if:

- *The development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan; and*
- *Following consultation it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and, therefore, the proposal has their backing.*

Whether the proposal has the backing of the affected local communities is a planning judgement for the Local Planning Authority."

It is our clear and evidential understanding that:-

- **The proposed development site has not been identified as suitable for wind energy development;**
- **As demonstrated in this report, the planning impacts identified by the affected local communities have NOT been fully addressed;**
- **The proposal does NOT have the backing of the majority of local residents. Objections to this development amount to 96% (721) of comments lodged with CBC (due to administrative delays within CBC, we have had to rely partially on figures from the SCWT website, as agreed with D Hale, 22 June 2016); and**
- **All the locally affected Parish Councils have recommended on behalf of their Parishes, refusal of this Application. These parishes are Heath and Reach, Potsgrove, Aspley and Woburn, Great Brickhill, Hockliffe, Toddington and Soulbury**

(post the date of this Submission, SCWT will be consulting with the Parish Councils of Eggington, Stanbridge and Tilsworth and Billington).

Neither is there evidence to suggest that the Applicant has made any real efforts to mitigate the impact of this proposal on the local communities other than when no other option is available, simply switching the machine off and thereby terminating the benefits produced.

There is no evidence to suggest that the Applicant has considered other forms of renewable energy (solar panels for example).

There is no evidence to suggest that the Applicant has considered other more appropriate sites.

The greatest impact of this proposed development will be on thousands of local residents. The vast majority of those that attended public meetings fervently objected to this development and continue to do so with 96% of comments objecting to this Proposal.

The Localism Act was designed for just such a scenario. Its purpose is clear. This Action Group has been given a mandate by local people, through their Parish Councils, and on behalf of those people we claim our right to decide what happens in our communities.

The people's right to be heard is reinforced in a statement to Parliament on 22 June 2015. Amber Rudd, The Secretary of State for Climate Change, confirmed to the MP for Wellingborough that if his borough Council *"turns down an Application for a wind farm, its decision cannot be overturned by the Planning Inspectorate"*.

In an article in Planning Magazine (26 June 2015) a spokesperson for The Department of Communities and Local Government clarified the Government's position to say *"that developers will retain the right to appeal decisions although they will have to take into account the clear requirement for local backing"* (Briefing Paper 04370, House of Commons Library).

That clear requirement for local backing is absent here and we expect to be empowered and heard and implore Central Bedfordshire Council's determination for refusal.

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16th November 2016

CB/16/01389/FUL – Checkley Wood Wind Turbine

Installation of a single wind turbine with a maximum tip height of 143.5m (hub height 100m and rotor diameter 87.0m), substation, hardstanding area, access track, underground cabling and associated infrastructure.

Dear Debbie,

Mr Roberts of Stop Checkley Wood Turbine (SCWT) submitted an objection document on behalf of the group in June of this year. Reading through the document we are concerned that there are a number of inaccuracies which may be interpreted incorrectly especially given that approximately 610 objections submitted to the Council state that the SCWT document summarises their principle objections. As such, this letter seeks to address these inaccuracies.

May I request that this letter is kept with the SCWT document so that the reader can understand where we have concerns regarding the factual accuracy of the submission.

I appreciate that the situation has changed since SCWT submitted their objection document due to the amendment of the turbine dimensions. Some of their concerns have been addressed through this amendment.

I will deal with each of the topics separately, highlighting the key points raised for each.

Introduction

- It is claimed that the Applicant wishes Central Bedfordshire Council (CBC) to make decisions on the basis of the single Checkley Wood Wind Turbine, whilst the impact is of the two turbines combined. This is not the case. The application documentation considers the effects associated with the addition of the Checkley Wood Wind Turbine into the existing baseline (which includes the Double Arches machine). All reports consider the cumulative effects with a particular focus on the cumulative noise and landscape effects.
- SCWT state *‘Many wind farm developers have tried to argue that national Energy Policy trumps every other planning consideration. This is a misrepresentation of the truth. Moreover it is one that has been rejected in the High Court by its ruling that the planning process in the UK remains “plan-led, that the Local Development Plan is not subordinated by National Policy.’*

No claim has been made within any part of the application document that national energy policy “trumps” every other planning consideration. We would like to highlight, however, Section 3 of the Planning Appraisal which discusses the Local Policy Framework (LP). Here, it is highlighted that the emerging Development Strategy (2014) was withdrawn in November 2015 and that to date there are no emerging policies to which weight can be given. There are also few saved policies from the former Bedfordshire Local Plan Review (2004) which remain relevant to the proposal.

Where local policies are absent, silent or out of date with the NPPF, paragraph 14 of the NPPF states that planning permission should be granted unless doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The absence of a specific policy relating to renewable energy indicates that the determination of the application should be in accordance with paragraph 14 of the NPPF, although other policies in the LP will have some influence on the decision depending on their consistency with the Framework. Paragraph 14 will be the overarching context of assessing this proposal.

Quantum of Electricity Production

- Comments from the CEO of RenewableUK, extracted from the Telegraph, were provided. I understand that Hugh McNeal, CEO of RenewableUK, has written to you separately to clarify his remarks.
- SCWT then state: *‘...the turbine will be produced overseas and we understand there will be limited local input into construction work given the specialised nature of the erection of wind turbines.’*
No evidence has been submitted by SCWT to confirm this statement. At Double Arches, over half the investment was spent with British firms, to include construction of the access tracks and foundation, the grid connection, the provision of security and professional consultants.
- SCWT state the importance of collecting wind data so that a production estimate can be accurately produced. They state that *‘there is no evidence to suggest that the Applicant has considered other locations and, specifically, measured average wind speeds at these competing locations to assess benefit v dis-benefit.’* It is also stated that *‘We contend that the proposed site of the Checkley Wood wind turbine is sub-optimal. It has been chosen because it is available rather than because it provides the right solution’.* We would like to stress that there is no obligation on the developer to test the wind speeds at alternative sites, or to consider alternative sites within the application. In addition, the wind speeds and corresponding output data at Double Arches have been monitored for 22 months, at the 100m hub height. There is nothing suboptimal about the data and no evidence has been presented to think otherwise.
- *‘Energy will be consumed and carbon footprint created in building and delivering the massive turbine’.* In response, please see Paragraph 604 of the Environmental Report. This found that the energy used in the entire life cycle of the turbine (manufacture, development, installation, operation and decommissioning) will be offset within 5 to 6 months of operation (Note: an amendment has been made to this figure following the change of turbine dimensions – please see below).

National Planning Policy Framework (NPPF) Requirement

- SCWT claim that the NPPF states that applications should be 'refused' where *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'*. As stated within our response above, Paragraph 14 of the NPPF actually states that planning permission should be granted unless doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- The group continue to make the claim that the site is 'sub-optimal' on the basis that the impacts would be better mitigated by installing the turbine at a windier location. Again, no evidence has been put forward to substantiate this claim. Unlike most wind turbine applications, we are able to draw from real production data from the neighbouring installation at Double Arches. Last year, the Double Arches was the most productive Vensys VE87 wind turbine in the world – as verified by the attached letter from the wind turbine manufacturer. SCWT therefore can make no valid claim with respect to turbine performance.
- SCWT then highlight statements made by Ministers, in particular the Government's aim to target only the most cost effective onshore wind development. Whilst economic return is clearly not a planning consideration, given the estimated production levels for Checkley Wood (based upon real data at Double Arches) we are pleased to say that this development does meet the Governments aims. We would also point out that this scheme will not be supported through the Renewables Obligation, which is now closed to new entrants (as stated in Paragraph 606 of the Environmental Report).

Turbine Wake Separation

- SCWT make several comments regarding the turbine wake separation and that the separation distance between the Double Arches and Checkley Wood Wind Turbines is "too tight". However, SCWT fail to quote the entirety of the relevant paragraph (2.7.7) of National Policy Strategy EN3. This actually states (underlining our emphasis):
'In order for wind turbines to generate electricity efficiently, the turbines must be placed at a sufficient distance from one another within the site. The spacing will depend on the prevailing wind direction and the physical characteristics of the site. A spacing of six rotor diameters is normally required in the direction of the prevailing wind direction, and four rotor diameters perpendicular to this. However, this is a matter for the applicant.'

This is because rather than based upon a rule of thumb, turbine siting is actually a complex balance between environmental constraints, technical constraints, the localised characteristics of the wind and terrain, and the turbine make and model. In order to fully address this concern, please find attached a letter from the turbine manufacturer, Vensys. This confirms that Vensys accept the turbine spacing and will provide the appropriate warranties for the turbine.

Quantum of Electricity Generated

In this section, SCWT have questioned the production estimate of the VE112 wind turbine. This was the candidate wind turbine at the time that the application was

submitted. The group claim that allowances should be made for unscheduled maintenance, noise mitigation and shadow flicker mitigation as well as wake separation (array losses) associated with the nearby Double Arches turbine.

- The energy prediction within the planning application conservatively reduced the predicted generation by 10% to account for overall losses. Vensys confirm in their attached letter that the loss of production associated with noise actually amounts to around 1.2% of annual production and shadow flicker effects were for only 44 hours at Double Arches last year.
- The wind turbine output calculations undertaken by the group are fundamentally flawed. For clarification, whilst the website address is similar, the online tool referred to in the SCWT document is not published by industry trade body RenewableUK. Nevertheless, the calculations themselves are based upon incorrect input data, and it is irrelevant to make comparisons between the average wind speed at Checkley Wood and those that are experienced on the highest parts of Orkney and Shetland (12m/s to 13m/s). The online tool also does not apply the manufacturers warranted power curve data to the wind speed distribution based upon average wind speed. No practical information or reliance can be placed on these calculations.
- The expected electricity production levels reported within the Environmental Report was based upon the Vensys VE112 wind turbine. Following the change of turbine, to match that installed at Double Arches and using the actual production data from the Double Arches Wind Turbine it is predicted that the Checkley Wood Wind Turbine will generate an annual average of 4,999,000kWh. The benefits of this renewable energy generated are as follows:

| | Environmental Report Reference | Amended Figure |
|-------------------------------------|--------------------------------|--|
| Electricity Production | Paragraphs 37, 587 | 4 999 000kWh |
| Annual Average Household Equivalent | Paragraph 38 | 4 999 000kWh/4 473kWh = 1 118 households/annum |
| Carbon Dioxide Offset | Paragraph 594 | 2 150 tonnes/annum |
| Equivalent to domestic emissions of | Paragraph 595 | 977 average Central Bedfordshire Residents |
| Energy Balance | Paragraphs 604, 605 | 0.73 yrs or 8.7 months |

Turbine Wake Separation

This section of the SCWT document largely repeats the earlier discussion on turbine wake separation. Please see our response above and the attached letter from Vensys which confirms that the turbine separation between Double Arches and Checkley Wood is acceptable.

SCWT continue, stating that '*the size of the site simply DOES NOT provide sufficient space for 2 such huge turbines*' and cite the Environmental Statement for the Double Arches wind turbine as evidence that the applicant had previously ruled out two turbines on the site due to effects on productivity, noise, landscape and heritage. This statement is incorrect and misleading.

At the time of the Double Arches application a different, smaller, land area was available. Checkley Wood was not considered at this time as the applicant did not control the land at Checkley Wood.

Harmful Impacts on Landscape Character

Since SCWT drafted this section, the application has been amended such that the Checkley Wood Wind Turbine will have the same dimensions as that installed at Double Arches.

SCWT claim that the *'landscape capacity to accommodate change was fully utilised with the development of the Double Arches Wind Turbine'*. However, no professional assessment has been produced to support this statement.

The Environmental Report which accompanied the planning application for Checkley Wood contained a full Landscape and Visual Impact Assessment (LVIA). This considered the potential effects of the proposal on the character of the landscape, as well as the visual effects on receptors such as residents, motorists and walkers. The LVIA considered the effects of introducing Checkley Wood to the existing baseline, including for cumulative effects with Double Arches.

It should be noted, that the character of the landscape is not static. As stated within the LVIA, the surrounding quarry landscape is formed through a dynamic mosaic of continuous sand extraction to 2042, beyond the life of the turbine. Despite the size of the scheme, the LVIA found that significant effects of this proposed development on the character of the landscape of the site and surrounding area would be limited to approximately 1.5km to 2.0km from the turbine (Paragraph 437, Environmental Report).

The LVIA also considered CBC's Guidance Note 1 – Wind Energy Development in Central Bedfordshire. The Checkley Wood Wind Turbine is located within the Greensand Ridge LCT, however it is adjacent to the boundary with the Clay Hills LCT. As such, both LCTs are relevant when considering the proposed site in relation to Guidance Note 1.

As we point out in Paragraph 441 of the Environmental Report, this places Checkley Wood on the boundary between an area of high sensitivity to wind development and one of moderate sensitivity (for single or clusters of 1-3 turbines). The LVIA therefore concludes by stating:

'...it is important to note that the study does not consider extensions to existing wind farms where the main landscape and visual impacts have occurred as the result of the initial introduction of the turbine(s) to the area which was not partly characterised by wind development at the time. In essence, this proposed development would be seen as an extension to the existing Double Arches turbine, would be sited in association with the quarry workings and by the boundary of two LCTs. As this assessment discusses, the potential landscape and visual impacts of the proposed Checkley Wood turbine would be limited due to the existence of the adjacent Double Arches turbine, with the two turbines viewed as one development, resulting in very limited incremental effects on landscape character and visual amenity. This type of proposed wind energy development is not considered in detail within Guidance Note 1 and so many of the conclusions attributed to the capacity of the Greensand Ridge and the Clay Hills are assuming a standalone development and are not necessarily relevant.'

Damage to Heritage Assets

The SCWT document claims that there *'would be significant adverse impact on the setting of the local parish churches, the local conservation areas and SSI's and the listed properties contained within the local villages.'*

No evidence has been supplied to substantiate this claim, and I refer you to the independent professional assessment produced by Headland Archaeology provided as Appendix 7 of the Environmental Report. This considered all heritage assets within 5km and it is found that there would be no more than a negligible effect on the significance of heritage assets (i.e. not material to the determination of the proposal) in all cases. As such there are no material effects to take forward to the planning balance.

Following feedback from Historic England, this assessment was further refined with consideration of 36 requested viewpoints across the Woburn parkland, the Church of St Mary the Virgin at Potsgrove, the Hoults, and a detailed assessment of the more distant assets at Tottenhoe, Battlesden, Maiden Bower as well as the surrounding Conservation Areas. This further assessment has confirmed that only the area around Stumps Cross is likely to have visibility of the turbine and that views of the turbine from this area would not impact on the significance of the park. Further fieldwork has provided more detail on the Conservation Areas, other designated heritage assets and their landscape settings. From the majority of these assets intervisibility with the proposed turbine will not occur or will be highly unlikely. Only at the Church of St Mary the Virgin at Potsgrove will the intervisibility be potentially greater but in all cases the degree of harm to the significance of the asset will be negligible (updated Heritage Assessment, September 2016).

As stated within the Planning Appraisal (Paragraph 6.94).

'I have had regard to the provisions of S66 and 72 of the PLBCA 1990 and attached considerable weight to the harm to the significance of heritage assets. However, the levels of material harm to the overall significance are small and, even allowing for the special weight attributed to this harm, such harm does not weigh heavily in the balance.'

Given the lack of evidence supplied by the group, their comments on heritage should not be considered further.

Note – within this section SCWT make an additional comment with respect to *'the setting of regional and local footpaths and bridleways which are in close proximity to the wind turbine.'* There are no footpaths or bridleways in close proximity. The effects on landscape character have already been discussed above. The visual effects on users of the footpaths and bridleways are considered within the LVIA.

Damage to Biodiversity, Ecology and the Environment

SCWT provide a quotation from a nearby resident who claims that since Double Arches was erected that the wildlife visiting the area has *'all gone'*.

Double Arches has been very closely monitored since first operation, as required through planning condition. In addition, the application site has also been closely monitored for the surveys undertaken as part of the application. Appendix 4 of the Environmental

Report contains the full set of ecological surveys and demonstrates an abundant range of wildlife on and around the sites.

The group raise concerns regarding the proximity of the turbine (900m) to the Kings Wood SSSI/NNR, but do not provide evidence to substantiate these concerns. Double Arches is 750m from the SSSI/NNR and no significant effects have been recorded. The Kings Wood SSSI/NNR is designated for the habitat that it provides and its floral interest. As stated in the Environmental Report, this SSSI/NNR is well separated from the proposed turbine location by the intervening fields, woodland and quarry, as well as Woburn Road. The Ecology study within Appendix 4 finds no significant effects are likely.

General statements are made by SCWT with respect to the potential for wind turbines to kill birds and bats, quoting from the Spectator magazine. The Spectator is not known as a scientific journal, so instead I wish to highlight the actual evidence submitted for Double Arches (where bat activity has been extensively monitored during turbine operation), as well as the guidance produced by Natural England and SNH which is referenced within our ecological studies. The bat work undertaken by Ecology Solutions was scoped in consultation with the Bedfordshire Bat Group.

No objections have been raised by Natural England or RSPB. The turbine separation distance from blade tip to hedgerow fully complies with the 50m separation required by Natural England's TIN051 bat guidance (see paragraph 298 of the Environmental Report).

The ecology report concluded stating *'on the basis of surveys undertaken and the background desk study, there is no evidence to suggest that the proposed development would have any significant adverse effect on any protected or notable species or habitats.'*

The author of the SCWT objection has presented no evidence to support his objection on damage to biodiversity, ecology and the environment.

Harmful Impacts on Residential Amenity

SCWT discuss the 'Lavender Test'. Since the public inquiry at Enifer Downs, the Lavender Test has become the accepted methodology for the assessment of impacts on residential amenity. Within the appeal decision, Inspector Lavender described a threshold for unacceptable effects (Paragraph 43):

'However, when turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live. It is not in the public interest to create such living conditions where they did not exist before.'

The Landscape and Visual Assessment which formed Appendix 6 of the Environmental Report considered the potential effects on visual amenity within a study area of 15km from the proposed wind turbine.

The LVIA considered both the single and cumulative effect of the wind turbine with the existing Double Arches wind turbine. The LVIA considered the potential effects of the proposal on the visual amenity of residents in settlements and individual dwellings, and followed the assessment methodology 'Guidelines for Landscape and Visual Impact Assessment 3' (GLVIA 3) set by the Landscape Institute. It found that in terms of the Lavender Test that *'no overbearing impacts on residential views are expected.'*

Harmful Impacts on Recreational Amenity

SCWT raise concerns regarding the enjoyment of the countryside. Again, this was fully assessed within the Visual Amenity assessment of the LVIA in accordance with GLVIA 3. The limit of significance for high/medium sensitivity receptors such as users of the local public rights of way network was found to be where clear views are available within 1.5km of the turbine.

The group confuse visual effects with effects on the character of the landscape. In this case significant effects on the Wooded Greensand Ridge LCT and Clay Hills LCT are limited to within 1.5km to 2.0km from the wind turbine.

As stated within the LVIA:

'Where visible, the proposed turbine would consistently be viewed in association with the operational Double Arches turbine where the two turbines together would be viewed as one wind energy scheme. The introduction of the Checkley Wood turbine would have an incremental effect on landscape character and visual amenity, but this would be limited by the presence of the Double Arches turbine which currently characterises the local landscape and views within the vicinity of the site.'

Noise

SCWT question the validity of ETSU R-97, The Assessment and Rating of Noise from Wind Farms, and state that it is *'seriously out of date'*.

Unlike the noise standards before it, ETSU R-97 specifically addresses the dynamic noise environment and how that changes with wind speed. NPPG specifically requires developers and planning authorities to assess the noise impacts of wind turbines using a combination of ETSU R-97 and the more recent Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise:

Paragraph: 015 Reference ID:5-015-20140306

The report, 'The assessment and rating of noise from wind farms' (ETSU-R-97) should be used by local planning authorities when assessing and rating noise from wind energy developments. Good practice guidance on noise assessments of wind farms has been prepared by the Institute Of Acoustics. The Department of Energy and Climate Change accept that it represents current industry good practice and endorses it as a supplement to ETSU-R-97

The noise assessment for Checkley Wood (presented as Appendix 5 to the Environmental Report) produced by leading wind farm acousticians Hayes McKenzie, correctly applies ETSU R-97 and the IoA GPG to the Checkley Wood site. This includes

for the wind shear correction required to reflect the difference between the height at which wind measurements were undertaken, and the hub height at 100m.

SCWT ask why the assessment assumes that no tonal correction is necessary. This is because the turbine noise levels are based upon noise levels established through independent noise test reports which form part of the wind turbines certification and warranty. There is no audible tone associated with the Vensys VE87. Guidance Note 3, which is attached to the sample planning conditions, provides a methodology for applying a tonal penalty to the turbine should a tone be measured during compliance tests. A warranty will therefore be sought from the manufacturer such that the wind turbine shall not produce an audible tone.

SCWT then make reference to the noise limits set for Double Arches within planning permission CB/14/04463/VOC. The limits within this consent were set through the proper application of ETSU R-97, accounting for the IoA Good Practice Guide. There have been no noise complaints associated with Double Arches, and these operational limits are therefore a success.

These limits remain for Double Arches, and also for the addition of Checkley Wood. However specific limits have been calculated for Checkley Wood in order to ensure that the overall cumulative limits are not exceeded and so that enforcement action can be taken against Checkley Wood if they are. These limits were established through the logarithmic subtraction of the Double Arches noise levels from the Double Arches limits to calculate the remaining noise budget. This is outlined in the explanatory note which accompanied the proposed noise condition.

In order to meet the daytime amenity limit, it is necessary to reduce the rotor speed of the turbine for wind speeds between 3 and 5m/s (referenced to 10m height) when the wind is blowing from the north-east sector. The excess noise levels asserted by SCWT do not, therefore, exist.

As with Double Arches, should the noise limits set by the proposed condition be breached, then the turbine would be switched off until the breach is remedied.

Through site design, and through the application of the proposed conditions, we have therefore demonstrated that this proposal is in full accordance with Paragraph 123 of the NPPF.

Amplitude Modulation

As stated within the Noise Impact Assessment submitted alongside the Environmental Report, research commissioned by RenewableUK has established that the predominant cause of Amplitude Modulation is likely to be from individual blades going in and out of stall as they pass through regions of higher wind speed at the top of their rotation under high wind shear conditions.

We have stated within our various responses to MAS that in the case of Checkley Wood, there is no identified need for an AM condition. AM has not been reported at the adjacent Double Arches turbine, which is the same wind turbine model as proposed for Checkley Wood. In addition, the Development Control Committee at CBC have considered the

request from MAS for an AM condition at Double Arches on two separate occasions and have concurred that such a condition was not necessary.

Shadow Flicker

SCWT comment on the Shadow Flicker report which is contained within Appendix 9 of the Environmental Report.

They recognise that where a dwelling is not screened by intervening vegetation that it will be necessary to turn off the turbine when the conditions for shadow flicker exist. As stated within the report these conditions are:

- clear skies and good visibility;
- the sun needs to be low in the sky and in a specific position with respect to a turbine and the window of a property;
- the wind must be blowing sufficiently to turn the wind turbines; and
- the wind must be blowing in a direction such that the rotor is rotating in a plane perpendicular to an imaginary line drawn between the wind turbine, the sun and the property window.

The original shadow flicker report, based upon the larger 112.5m rotor diameter, found 25 dwellings within ten rotor diameters of the turbine or 29 dwellings within ten rotor diameters plus 10%, not 249 dwellings (note this may have been picked up from a typographical error in the original assessment). Of these properties 24 had the potential to experience shadow flicker effects. Such effects would be for no more than 44 minutes in any one day. Potentially shadows would be cast for a maximum of 254 days over a year, or a maximum of 91 days at any one property. However the turbine would only shut down if the correct weather conditions (wind speed, wind direction, sunshine) exist at the time of the predicted effect.

An updated Shadow Flicker report was submitted for the amended scheme at Checkley Wood, based upon the 87m rotor diameter. We note that SCWT have not commented on this amended report. The number of dwellings within ten rotor diameters has decreased to 13, and shadows may be cast on a maximum of 152 days of the year, or a maximum of 79 days at any one property for no more than 34.2 minutes on any one day. This equates to a total of 89.6 hours per annum. Again, should the conditions above exist at the calculated time for shadow flicker to occur, then the turbine will be switched off.

A comparable assessment was produced for Double Arches, when the planning conditions were discharged. This predicted a maximum shutdown of 86 hours per year. The predicted times for shadow flicker events to occur were programmed into the turbine controller, along with the positions of all houses within 10 rotor diameters of the turbine where flicker was predicted to occur. The turbine at Double Arches automatically shuts down as proposed for Checkley Wood. As confirmed by the appended letter from Vensys, last year shut down was only actually required for a total of 44 hours across the year resulting in a very limited effect on turbine production.

Public Health

It is inappropriate to compare the effects of tobacco on human health with the effects of wind turbines. In addition, no evidence (scientific, peer reviewed) has been produced by SCWT to allow this comparison to be made.

SCWT reference 249 dwellings within 1,237m of the turbine. As stated above, the correct figure is 29. We have established within our assessments and application that there will be no effects from shadow flicker and no noise levels above the permitted limits. No evidence has been produced by SCWT regarding low frequency infrasound or sleep deprivation. However, work produced for the DTI by Hayes McKenzie in 2005 found that *'infrasound associated with modern wind turbines is not a source which will result in levels which may be injurious to the health of a wind farm neighbour.'*

Further to this, Paragraph 2.7.60 of National Policy Statement NPS EN3 (referred to within Footnote 17 of Paragraph 97 of the NPPF as the approach Planning Authorities should follow in assessing the likely impacts of potential wind energy development) states:

'There is no evidence that ground transmitted low frequency noise from wind turbines occurs at a sufficient level to be harmful to human health. Therefore, the IPC is unlikely to have to give any weight to claims of harm to human health as a result of ground transmitted low frequency noise.'

Aviation and Air Safety

No objections have been received from any aviation body to the proposed scheme. In addition, the site is adjacent to the operating Double Arches wind turbine.

As with Double Arches, Checkley Wood will be marked on aviation charts and fitted with a red or infrared (not visible to the naked eye) aviation light.

Public Opinion

SCWT state that they have been given a "mandate" by local people, through their Parish Councils, to oppose this proposal. As stated at the beginning of this response, given the inaccuracies in the SCWT document, we are concerned that objections based upon this document have been established against incorrect information.

We note, for example, that the text present in the SCWT document is also within the Woburn Parish Council objection, and the document is referred to within the Heath and Reach Parish Council objection.

It should also be recognised that a significant number of local people have expressed their support for the scheme through both our own consultation and also directly to Central Bedfordshire Council.

In June 2015, the Government issued a Written Ministerial Statement alongside changes to PPG. The changes to PPG are reproduced within Paragraph 75 of the Environmental Report. As stated within Paragraph 6.111 of the Planning Appraisal, the WMS did not

introduce any changes to the NPPF or NPS's and the provisions of the NPPF Paragraphs 97, 98, and 14 have primacy over the PPG.

In order to assist with its interpretation, the Environmental Report also contains a flow diagram (Plate 8 on Page 17). Paragraphs 77 to 93 of the Environmental Report discuss the flow diagram in the context of Checkley Wood. Through each consultation process the planning impacts identified by the local community have been fully addressed. This is further demonstrated in Table 15 of the Environmental Report.

As stated within the Planning Appraisal

...impacts relating to noise, shadow flicker, electro-magnetic interference (including TV reception) and aviation have all been fully addressed provided conditions are imposed on a planning permission. The studies relating to issues on nature conservation and cultural heritage have not identified any impacts that would be of sufficient scale to be material to the determination of the proposal. These matters must also be considered to be fully addressed.

This leaves the matter of landscape and visual amenity which are subjective judgements for each individual person. Some people strongly object to wind turbines, other people don't mind them and still others like them in the landscape. In this respect, it is pertinent to note that consultation exercises ensured that all residents within 2km of the proposed wind turbine were given the opportunity to comment. 10% of this "affected community" sought to raise concerns about the perceived impacts and a substantial proportion of these did not raise issues about landscape or visual amenity. This raises the question as to how to take into consideration the other 90% of the "affected community" in any assessment relating to the WMS.

In landscape and visual amenity terms it is important to note that the Council's own guidance (Guidance Note 1) on wind energy specifically states that extensions to existing wind energy development provide the least damaging option. Moreover, Table 2 of GN1 identifies a range of factors that are considered to be accommodating of wind energy development. The Checkley Wood proposal compares very well with these factors. In this respect, it is clear that this proposal provides one of the best options for wind energy development in the Council area. It must be concluded that the matter of landscape and visual amenity has also been fully addressed.

Further to this, three recent decisions have been issued by the Secretary of State, granting planning consent to wind turbine projects, despite acknowledged impacts on landscape character and the presence of objections. The Inspector to a Secretary of State decision relating to an appeal of a 77m to tip turbine near Liskeard, Cornwall (APP/D0840/W/15/3097706) concluded that '*... in the circumstances set out the proposal can be deemed to have the backing of the affected local community...*'

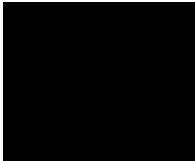
Last week, within a consent notice for a single wind turbine scheme in Cumbria (APP/H0928/W/15/3132909), the Secretary of State said:

'...while acknowledging that there would be some minor, localised harm to the character and appearance of the area he considers that this would be outweighed by the economic benefit to Low Abbey Farm and the contribution of the proposal to wider policy objectives to reduce reliance on non-renewable sources of energy. The Secretary of State agrees

with the Inspector that, notwithstanding the presence of objections to the proposal at application and appeal stages, in the circumstances set out the proposal can be deemed to have the backing of the affected local community.'

If you require any clarification on the points addressed above, then please do not hesitate to contact me.

Yours sincerely,



John Fairlie
Director
07977 252866
john.f@engena.co.uk

Enc: Letter from Wind Turbine Manufacturer Vensys



Checkley Wood Turbine

1/ Introduction

This report has been written to clarify some statements made and questions raised by members of the public as a result of the planning application for a new wind turbine at Checkley Wood Farm which will be identical to the existing turbine at Double Arches i.e. a Vensys 87, 1.5MW turbine.

Vensys have worked with AWE Renewables Ltd on two wind turbine projects, one at Quarrendon just north of Aylesbury and the other at Double Arches, Heath & Reach. In both cases, the chosen turbine is a Vensys 87, 1.5MW wind turbine.

Both projects were ordered, delivered and commissioned in 2014 and became the 2nd and 3rd turbines that Vensys had installed in the UK.

However, globally, Vensys is a significant company in the wind industry having installed over 14,000 turbines with Vensys technology worldwide, 2480 of which are the same Vensys 87, 1.5MW model. During 2015 and 2016, Vensys have installed another 12 turbines in the UK.

Analysis for the data for the Double Arches turbine has been carried out for a 12 month period from the 19th December 2014 to the 18th December 2015 being the 1st full operation year. It should be noted that the proposed Checkley Wood turbine will be located 410m north east of the existing turbine and therefore the actual performance data of Double Arches is an extremely useful and accurate guide to what can be expected from the Checkley Wood turbine should it be commissioned.

2/ Analysis of actual wind data ('scada data') for Double Arches

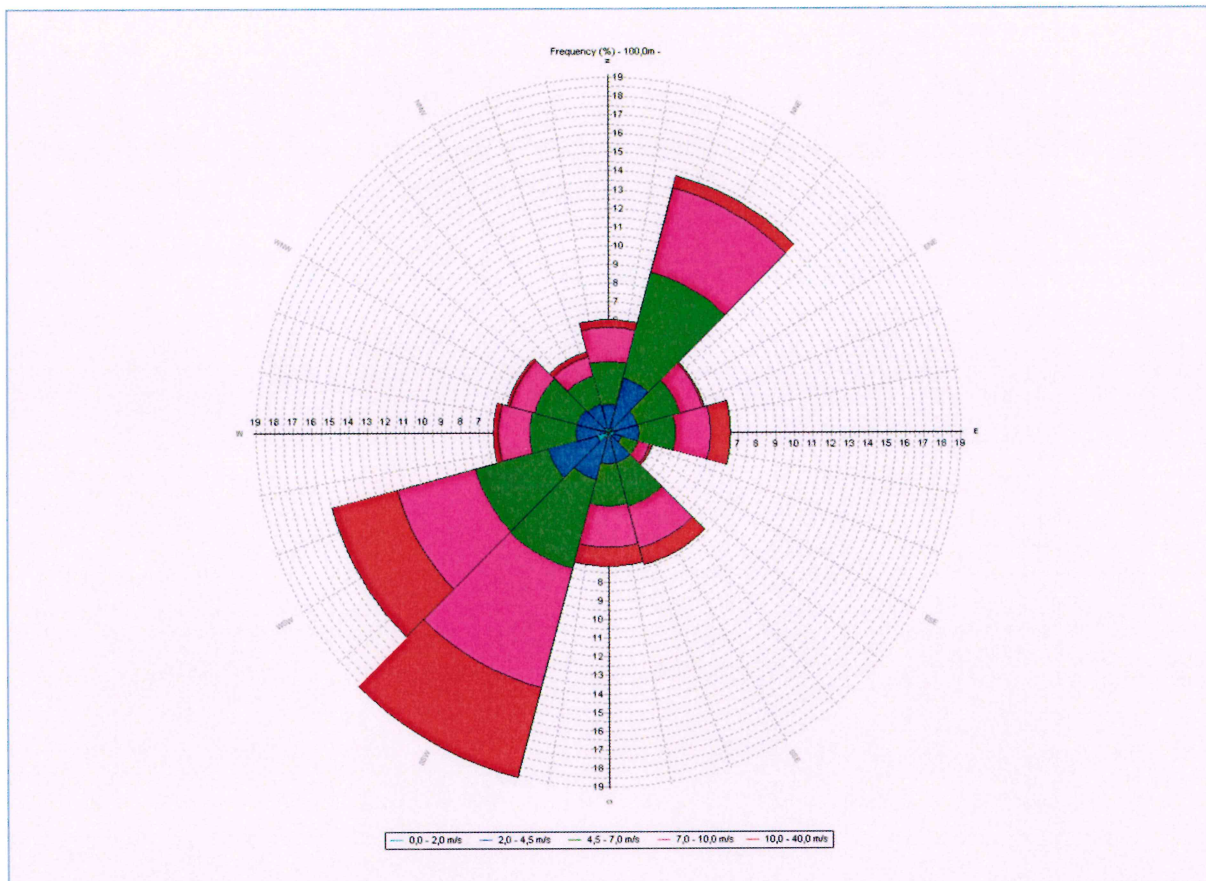
The turbine collects and transmits data live to Vensys in Germany and to the client's office. Every ten minutes, the data is recorded to show (amongst other things):

- the status of the turbine,
- average wind speed over the past 10 minutes,
- the highest recorded gust in the last 10 minutes,
- the direction of wind,
- the speed that the blades are rotating (revolutions per minute),
- the power output of the turbine and
- the actual energy generated during the 10 minute period.

This is known as the 'scada data' and it appears on the screen as shown below:

| name | | status | autostart | P [kW] | wind [m/s] | Gen [rpm] | nacelle north [°] | blade pos [°] | T ambient [°C] | Q [kVAr] | P limit [kW] | Gen limit [rpm] | blade limit [°] |
|-------|--|--------|-----------|--------|------------|-----------|-------------------|---------------|----------------|----------|--------------|-----------------|-----------------|
| WEA 1 | | power | 0 | 112,93 | 4,25 | 8,97 | 234,62 | 0,56 | 21 | -1,01 | 1500 | 17,3 | 0 |

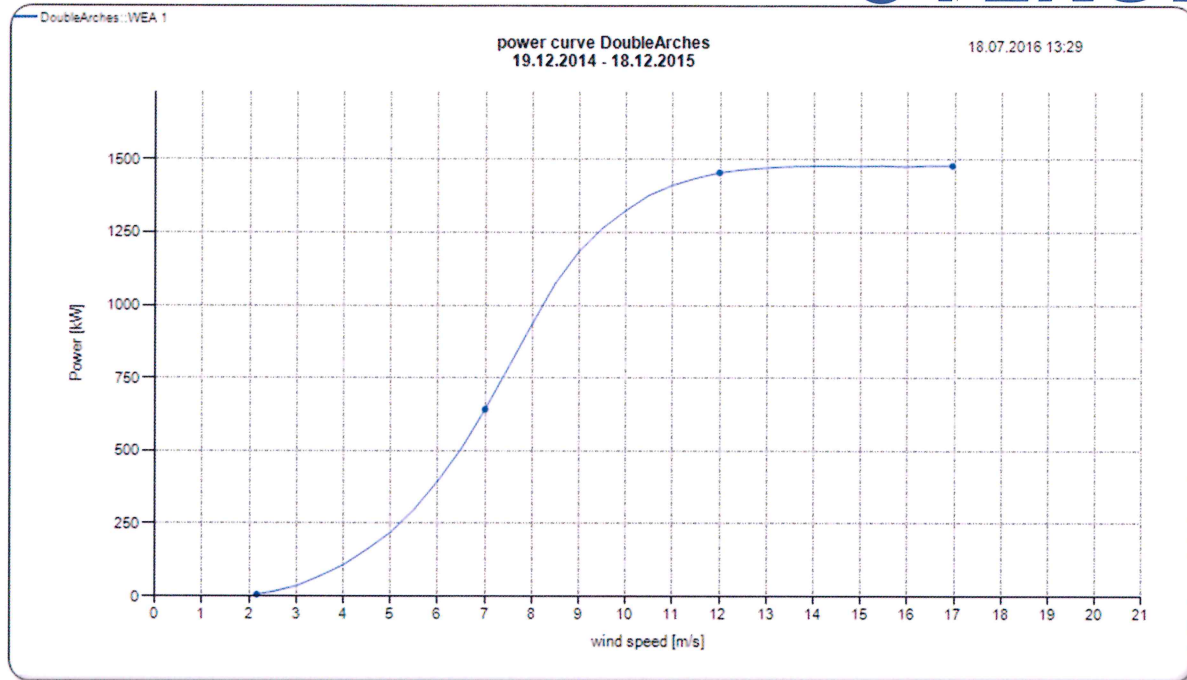
A review of the 'scada data' for the first 12 months of operations at Double Arches shows that the prevailing wind was from the south west. The prevailing wind and wind speeds are set out in the wind rose below:



It can be seen that the most productive and frequent wind is from the south west quarter of the compass amounting to 48% of all the wind between west to south. The second most frequent direction is north east accounting for 19% of all wind.

It is proposed that the Checkley Wood wind turbine will be switched off when the wind is in the north east quarter and when it is at a speed below 4.5m/s to protect property from noise thus ensuring compliance with ETSU-R-97. Analysis of the 'scada data' shows that this may occur 4.6% of the time being the equivalent of about 403 hours a year.

However, at wind speeds between 2 – 4.5m/s, the turbine generates small amounts of electricity. The amount of electricity generated rises with wind speed reaching peak output at just over 12 m/s. taking an average output (electricity generated) between the speeds of 2 and 4.5m/s of 150 kWh then the amount of electricity that won't be generated during the noise shutdown period will be about 60,450 kWh or 1.2% of total generation in a year. The power curve for Double Arches during the first 12 months of year is set out in the graph below:



Shadow flicker is something that the turbine is programed to shut down when the specific conditions apply being; at the relevant time of year, time of day, when the light is strong enough for a shadow to be cast and the turbine is operating. It is possible to precisely calculate the theoretical maximum hours the turbine will shut down to avoid casting shadow flicker if all the conditions are fulfilled.

The existing Double Arches turbine has a theoretical maximum of 86 hours a year when shadow flicker may occur. During the first 12 months of operations, the actual shadow flicker shut down period was 44 hours. This is because not all the right conditions occur together.

The same calculation for maximum shut down for Checkley Wood turbine has been calculated at 89.6 i.e. 4 more hours than the theoretical maximum for Double Arches. So it is fair to assume that the actual shut down period is likely to be very similar to Double Arches.

The average wind speed recorded at Double Arches for its first full year of operation was 6.89m/s and given the proximity to Checkley Wind turbine, it is fair to use this data to calculate its likely performance.

3/ Analysis of generation data for Double Arches

Vensys have been asked to comment on the performance of the Double Arches turbine and compare it to the performance of its fleet of 2480 Vensys 87 turbines worldwide. Vensys does not have access to the output data of 100 of its Vensys 87 turbines which are operating in India and China.

However, of the remaining 2380 Vensys 87 turbines, Double Arches is the best performing turbine worldwide and it produced a total of 4,999,785 kWh in its first 12 months of operations. A table of best performing Vensys 87 turbines globally is set out below: (note the numbers are rounded down to the nearest MWh).

| Country | Site | Output (MWh) |
|----------------|---------------|--------------|
| United Kingdom | Double Arches | 4,999,000 |



| | | |
|---------|-----------|-----------|
| USA | Otis | 4,564,000 |
| Germany | Bestwig | 3,965,000 |
| Poland | Unikowice | 3,251,000 |
| Cyprus | Alexigros | 2,855,000 |

It should be noted that the performance of the Double Arches turbine is its actual performance over the first 12 months of operating and takes into account periods of actual shut down for servicing, repairs and shadow flicker. This is therefore a very good guide to the likely performance of Checkley Wood turbine.

There is every reason to expect that the Checkley Wood turbine is likely to be a very high performing turbine in terms of energy generated and is therefore an ideal location for an additional turbine based on the actual performance of Double Arches.

4/ Separation distance between Double Arches and the proposed Checkley Wood turbine

Vensys is aware of the planning guidance in the United Kingdom which recommends separation distances between wind turbines. It also acknowledges the key point in the guidance that ultimately, the decision on separation distance is a decision for the applicant.

However, Vensys needs to satisfy itself that the separation distance between Double Arches and the proposed Checkley Wood turbine will not compromise the performance or the integrity of either of the turbines.

Vensys can confirm that it is satisfied there will be no such compromise to performance and as such, Vensys will offer its usual warranties and long term service agreement for the Checkley Wood turbine which will guarantee power curve performance and availability for 15 years.

Vensys does not expect there to be an impact on the energy generation performance of either Double Arches or Checkley Wood turbine once commissioned.

5/ Current and future trends in wind turbine designs.

It may be helpful to put the dimensions of the Double Arches and Checkley Wood turbines into some context of current wind turbine design.

The key principals are to raise the nacelle (hub) for the turbine as high as possible where wind is stronger and more consistent and to fit large blades that will create a large swept path area.

In the United Kingdom, turbines have tended to be built at a smaller scale with Double Arches and Quarrendon being currently the tallest onshore turbines at 100m to hub height and 143.5m to tip.

In Germany, the most common wind turbine VENSYS build is the VENSYS 112. It has a rotor diameter of 112 m and a maximum hub height of 140 m with a rated power of 2.5 MW. In the last two years, VENSYS erected wind farms with up to eight VENSYS 112 turbines on a 140 m tower in Schiffweiler and Münnertstadt (both Germany). Currently, another wind farm with five VENSYS 112 turbines on a 140 m tower in Priesberg (Germany) is under construction.



Our newest turbine is the VENSYS 120 with a rated power of 3 MW and a rotor diameter of 120 m with a maximum hub height of 140 m. Two prototypes (Grevenbroich and Janneby, both in Germany) with a hub height of 90 m have already been erected.

Currently, a wind farm in Denkingen (Germany) with three VENSYS 120 is in the planning phase. The turbines will have a rotor diameter of 120 m with a tower of 140 m and a rated power of 3 MW with the height to tip at 200m.

Therefore, in wind turbine design, it is wrong to think of the Vensys 87 as being exceptional or excessive in size.

6/ Conclusion

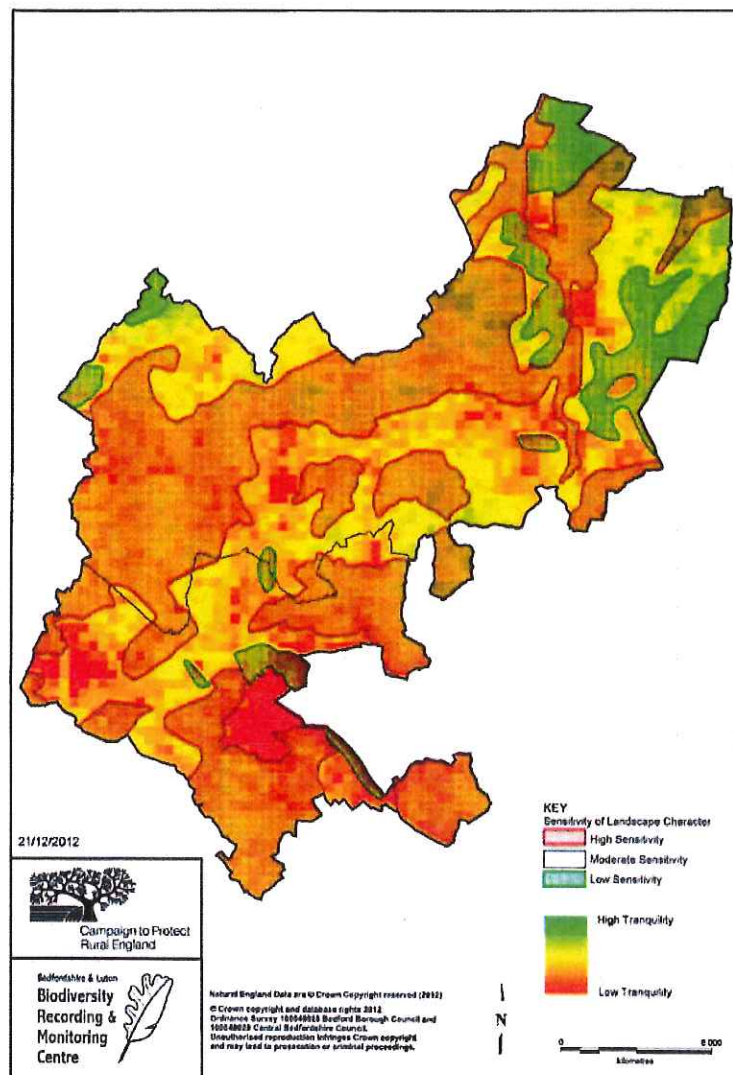
→ Vensys is very pleased to have established a new market in the United Kingdom and to supply and build a growing fleet of 1.5MW wind turbines. The scale of the Vensys 87 is not exceptional and the size of turbines in the future is likely to be much bigger as demonstrated by what is being built in Germany today.

The performance of Double Arches is exceptional making it the lead performer of the current fleet where Vensys has access to the generation data. Therefore, Checkley Wood is highly likely to be another high performance site.

Overall periods of shut down to protect property from shadow flicker and noise will make very little difference to overall performance.

→ The proximity of 410 metres between the Checkley Wood turbine and the existing Double Arches turbine is perfectly acceptable, will not compromise the performance of either turbine and Vensys will stand behind all its usual warranties and long term service standards that its customers enjoy.

→



Map 4: Landscape sensitivity and tranquillity

9.0 Overall Assessment based on Landscape Sensitivity

Areas requiring the greatest constraint

9.1 The landscape sensitivity study has identified that there are only limited areas of countryside considered appropriate for wind energy development. Landscapes of increasing complexity but with some potential for wind energy have been mapped as having moderate sensitivity; these areas still contain constraining factors which would limit the size and scale of development. Areas of greatest constraint are mapped as having **High Sensitivity** and include:

- The Chilterns Area of Outstanding Natural Beauty (AONB)
- The Greensand Ridge
- River corridors – Ivel, Ouse, Flit and Ousel
- Areas of significant cultural heritage e.g. Parklands, farmland of historic interest and the settings of landmarks or special buildings.

9.2 The smaller scale and complexity of these landscapes is such that vertical features such as turbines would almost invariably be out of character.

9.3 Landscapes that are identified as being more sensitive to change have less capacity to accept wind energy. Sensitivity will vary depending on the location within the character area.

9.4 Tranquil landscapes: Central Bedfordshire is densely populated and has areas undergoing rapid change as a result of growth area pressures for housing and industry. The area has no truly remote countryside and yet there are locations close to the major towns that are appreciated for their tranquillity, are accessible and retain traditional features. It will be vital to conserve these areas from inappropriate development. These are arguably more precious than more extensive tranquil areas associated with open arable land.

Landscape Sensitivity and Capacity

9.5 The study of landscape character has provided broad judgements about the acceptability of wind energy across each of the Evaluation Areas. To provide guidance on the appropriateness of different scales of development, comparative tables have been prepared which outline the scope or concerns associated with wind installations of increasing size.

9.6 The typology for the turbines used is as follows and assumes a maximum height of 120m (with the detailed analysis contained in Appendix 2).

- A single turbine
- Cluster of 1-3 turbines
- Medium scale wind farm e.g. 3-6 turbines
- Large scale wind farm e.g. 7-11 turbines

- 9.7 A wind farm has been defined as "large" for Central Bedfordshire if it contains 7 or more turbines. The Langford scheme was reduced from a possible 14 Turbines to 10, as the larger number was considered to great for the setting. The RES Wadlow Farm in Cambridgeshire has 13 turbines. The visual dominance of this scheme, which is set within a more extensive clayland landscape than can be found within Central Bedfordshire, also led to the view that it would be unlikely that schemes larger than 11 would be promoted or considered acceptable by the community.
- 9.8 The assessment of capacity has used the following approach:
- Scope:** Ability to accommodate development at this scale without significant adverse change to the landscape character and value.
- Moderate Capacity:** Some ability to accommodate development at this scale but some key sensitivities or value may limit the number of schemes possible.
- Low:** Could be challenging to locate turbines at this scale; more than one development at any scale may result in major adverse change to landscape character or cause an unacceptable decline in landscape value.
- Limited:** Could be challenging to locate turbines at this scale; more than one development at any scale may result in a major adverse change to landscape character or cause an unacceptable decline in landscape value.
- None:** The area would not be able to accommodate development at this scale without an unacceptable adverse change to landscape character and value.

Table 3: A summary of the assessment of the landscape capacity in Central Bedfordshire to accommodate wind developments of various sizes.

| Evaluation Area | Single Turbine | Cluster 1-3 turbines | Medium Scale 3-6 turbines | Large Scale 7-11 turbines |
|-----------------------|----------------|----------------------|---------------------------|---------------------------|
| Marston Vale | Low | Moderate | Low | Limited |
| Clay Valleys | Moderate | Low | Limited | None |
| East Claylands | Scope | Scope | Moderate | Low |
| Greensand | Low | Limited | None | None |
| Leighton Buzzard area | Moderate | Low | Limited | None |
| Clay Hills ,Vales | Moderate | Moderate | Low | None |
| North Chilterns | Low | Limited | None | None |
| South Chilterns | Low | Limited | None | None |

Opportunity Areas

- 9.9 The landscape sensitivity study has identified that there are only limited areas of countryside considered appropriate for wind energy without there being a significant loss of character and quality.
- 9.10 These areas are mapped as having **Low Sensitivity** (Map 4 on page 30), indicating that only the clay landscapes of the Marston Vale, east Bedfordshire and the southern clay vale are suitable.
- 9.11 The smaller scale and complexity of the landscape outside of the clay vales is such that tall features such as turbines would almost invariably be out of character. This reflects the findings of the regional study undertaken by ARUP.
- 9.12 When the study of Landscape Constraints (Map 3) and Tranquillity (Map 4) are also considered, it will be seen that there is a conflict between the area identified as having greatest tranquillity i.e. in the Eastern Claylands which otherwise is generally of low sensitivity.
- 9.13 This factor reduces the scope for either a large wind farm in this area or the permission of dispersed single turbines as both scenarios would detract from tranquillity. Central Bedfordshire has experienced a marked loss of tranquillity over recent years and peaceful countryside with open uncluttered views is a precious resource.
- 9.14 If considering only landscape grounds, the following areas are seen as having some potential for wind development as shown in detail in appendix 2:
- Land to the south and east of Biggleswade
 - Marston Vale – minor scale only
 - North Houghton Regis
 - West of the A5 – minor scale only
- 9.15 The scale of development would be critical to acceptability as would satisfaction that the impacts on other sensitive receptors, such as biodiversity and local communities were mitigated to an acceptable level.
- 9.16 As with other renewable energy generation technologies, there is scope to develop wind energy in association with the Growth Areas identified in the Council's emerging Development Strategy, particularly in line with any future requirements placed on developers through the 'Allowable Solutions' mechanism.
- 9.17 Growth areas provide the opportunity for major new features to be integrated as part of major change and urbanisation. In addition, there are opportunities to associate turbines close to large scale industrial development such as business parks and major transport corridors if the landscape setting is appropriate.

9.18 This could include the following areas.

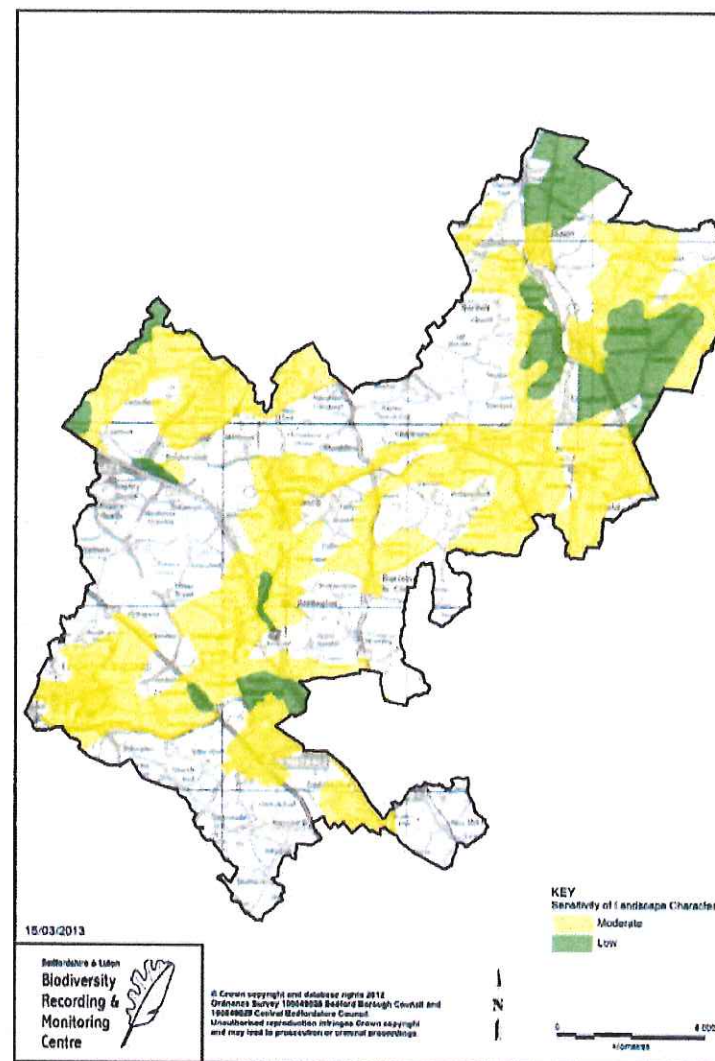
- North Houghton Regis growth area
- M1 and A1 corridor
- Arlesey – northern expansion area – minor scale only
- Stratton Business Park, Biggleswade.

Creating a positive feature

9.19 A wind energy development is most likely to be seen as a positive feature if:

- It is positioned beyond the 2km zone from communities to avoid extreme dominance of the structures in the view.
- It is clearly visible and set on level ground, it is important to avoid sites where part of the column or tips of blades are visible on the skyline.
- Be in scale with the landscape and avoid conflict with the human scale of farms, residential properties and features such as woods and hedgerows.
- Ensure that impact on recreational enjoyment is minimised – this includes more passive recreation such as enjoyment of valued views and panoramas as well as use of rights of way.
- Avoids detracting from landform and sense of place, e.g. where there are subtle changes in level or where tall structures would conflict with dramatic changes in contour, for example between a vale and escarpment.

Map 5 shows areas of search based on low or moderate landscape impact



Map 5: Areas of search based on low or moderate landscape impact

10.0 Conclusions

- 10.1 The scale and movement of turbines will always result in dramatically changed landscapes. In an acceptable location the strong form and connection with green energy can result in the creation of a positive landmark and it is recognised that the installation of wind energy has a role in combating climate change, which is a key factor leading to the loss of valued features within the landscape.
- 10.2 However, in view of the visual impact, it is essential that schemes are in scale with the setting and do not detract from valued landscapes or cause unacceptable intrusion to communities.
- 10.3 Within Central Bedfordshire the dense settlement pattern and the variation in landscape character (character areas are often narrow or limited in extent) and landform creates a greater sensitivity than the judgements on landscape character alone might suggest. If not managed carefully this could give the prospect of certain areas being subject to disproportionate development.
- 10.4 The capacity for medium scale wind farms has been seen to be low. It is also concluded that the Central Bedfordshire landscape is not appropriate to accommodate large scale wind farms.
- 10.5 There is potential to support a limited extent of small-medium sized wind farms, particularly within the clay landscapes. Central Bedfordshire may also be able to accommodate a limited number of single turbines, although the visual impact of a single turbine can be considered disproportionate to the energy output.
- 10.6 The cumulative impact of a series of single turbines is considered to be of a greater consequence than a single, medium sized farm of 3-5 turbines. In Central Bedfordshire it will only be an exceptional site which would allow a second installation without a serious threat of overwhelming cumulative impact.
- 10.7 It is the Council's view that the Central Bedfordshire countryside is too populated, complex and varied in its landform to be able to successfully accommodate more than one medium or large farm within a 10km setting of another in a rural setting. However there are opportunities to link wind generation to the major growth areas.
- 10.8 It is only the large-scale arable clay-farmland landscapes which offer any potential for farms to be in close proximity. This landscape type is still very limited in extent to similar landscapes in other counties i.e. the Bedfordshire and Cambridgeshire Claylands and the East Anglian Chalk National Character Areas.
- 10.9 Where the installation of single turbines is concerned – there may be scope to accept more single turbines towards the east of the County or where they can be used positively to create nodal features along the trunk roads. A cluster of turbines may be more acceptable than three single turbines within a particular locality.

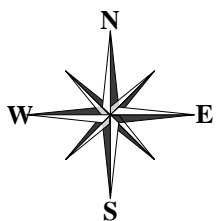
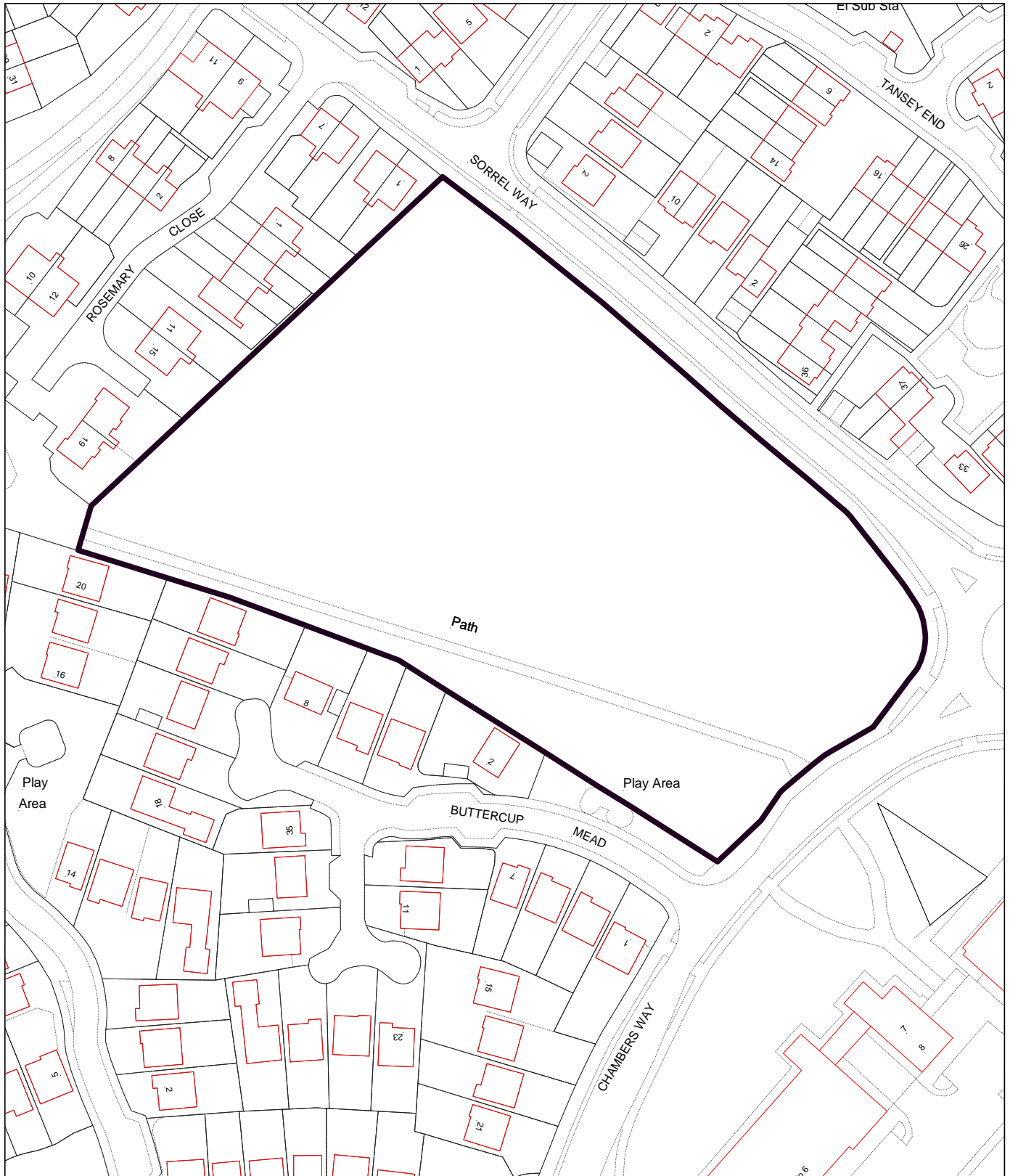
11.0 Landscape Assets

- 11.1 The Mid Bedfordshire and South Bedfordshire Landscape Character Assessments have provided objective descriptions of the character areas, which include identification of the key landscape character and visual sensitivities, allowing for an assessment of sensitivity for both issues.
- 11.2 Using the assessment of visual sensitivity as a baseline, further consideration has been given to the levels of constraint required to ensure the protection of important and valued attributes and so support the landscape strategy for each area. These include:
 - Conservation of the AONB and an effective buffer, to safeguard views. This will vary in the required extent dependant on location.
 - Conservation of the landscape and setting of Registered Parks and Gardens, including consideration of relic parklands.
 - Conserve the setting of ancient woodland and the amenity and integrity of distinctive habitat e.g. heathland, chalk downland and riverside pastures.
 - Conserve the skylines of the Greensand Ridge and Chalk Escarpments
 - Conserve setting of landmarks, particularly those of historic or cultural significance.
 - Conserve areas of recognised tranquillity.
- 11.3 These are shown on Map 6, however it should be noted that any buffer zones applied do not necessarily rule out wind developments in those areas. As with the assessment of landscape sensitivity and dictated by the NPPF and additional onus is placed on the developer put forward wind energy schemes that take account of the impact on the landscape asset and includes mitigation to keep this at a minimum.
- 11.4 It should also be recognised that many heritage and historical assets are not shown on the map, this is primarily because impact would need to be thoroughly explored on a case by case basis. More detail with regards to these is covered in section 12.

| Factor | Single Turbine | Small 1-3 | Medium 3-6 | Large 7-11 | Comment |
|--|--|--|--|---|---|
| Development Nuclear villages on Ridge, historic Ampthill central to Ridge and Pitt Valley. Sandy, Ampthill and Filtonwick subject to growth. | Historic villages often with strong vernacular character – highly sensitive to change. Some potential for single turbine linked to growth around Leighton Buzzard. | Historic villages often with strong vernacular character – highly sensitive to change. Limited potential for cluster of smaller turbines linked to growth around Leighton Buzzard. | Historic villages often with strong vernacular character – highly sensitive to change. Medium scale wind farm considered to conflict with settlement pattern across the Greensand. | Historic villages often with strong vernacular character – highly sensitive to change. Large scale wind farm considered to conflict with settlement pattern across the Greensand. | The sensitivity of the Ridge suggests that only turbines of lower height are appropriate, to help limit visual intrusion. This would also help create a clear hierarchy with the permitted turbine at Double Arches pit, Heath and Reach. |
| Landmarks Cultural heritage – abbeys, mansions, including Houghton House ruins. Churches. Sandy transmitter. | Essential that any turbine avoids conflict with the many cultural and ecologically important features on the Greensand. | Essential that any turbine avoids conflict with the many cultural and ecologically important features on the Greensand. | Essential that any turbine avoids conflict with the many cultural and ecologically important features on the Greensand. | Essential that any turbine avoids conflict with the many cultural and ecologically important features on the Greensand. | The visual unity of the Greensand Ridge is itself an extensive landmark. Great care must be taken to safeguard the undeveloped horizons which are such a valued characteristic. |
| Tranquillity Majority of Ridge valued for peaceful recreational opportunities. Pitt Valley and urban fringe landscapes more disturbed. | The structure and movement of any turbine will introduce conflict with this sensitive landscape. | The structure and movement of any turbine will introduce conflict with this sensitive landscape. | Would bring unacceptable intrusion. The structure and movement of a wind farm would conflict with this sensitive landscape. | Would bring unacceptable intrusion. The structure and movement of a wind farm would conflict with this sensitive landscape. | Timeless 'qualities of Estate' landscapes a valued attribute. Tranquillity of Ridge can contrast with adjacent areas such as the Marston Vale and especially with city of Milton Keynes to west. |
| Rarity Very unusual landscape type, only occurring here and on Isle of Wight. | Limited extent of landscape character type a factor increasing its sensitivity and the requirement to conserve its integrity. | Limited extent of landscape character type a factor increasing its sensitivity and the requirement to conserve its integrity. | Limited extent of landscape character type a factor increasing its sensitivity and the requirement to its conserve integrity. | Limited extent of landscape character type a factor increasing its sensitivity and the requirement to conserve its integrity. | Ridge has strong visual relationship with adjoining character types and towns associated with it. |

| Leighton Buzzard Rural Fringe | | | | | |
|--|--|---|---|--|---|
| Factor | Single Turbine | Small 1-3 | Medium 3-6 | Large 7-11 | Comment |
| Scale – Medium scale field pattern with localised small scale landscape e.g. in Ousel Valley. Mineral workings at Leighton Buzzard increase scale. | Some potential e.g. in arable landscape of associated with growth. | Low potential – would need to form positive feature associated with growth or trunk roads and of low height. | Limited potential – would need to form positive feature associated with growth or trunk roads and of low height. | Not suitable – field pattern not extensive enough to accommodate a large farm, conflict with village scale. | Landscape varies across this area – open land in AS corridor and associated with mineral workings south of AS05. |
| Landform Combination of undulating clay landscape north and west of Hockliffe and Greensand landscape north of Leighton Buzzard. | Most potential on landform modified by mineral working or growth. Avoid conflict with Greensand Ridge. | Would need to be sited to avoid conflict with the Greensand and small scale of the Ousel and Clipstone valleys. | Limited potential. Conflict with the Greensand Ridge and small scale of the Ousel and Clipstone valleys. | Concern impact of wind turbines in vicinity of Greensand Ridge and small scale of the river valley landscape. | Landscape modified in places by mineral working – restoration enhancing habitat e.g. to heathland and increasing woodland cover. Important to avoid visual disruption to the Greensand Ridge. |
| Land cover Arable farmland, extensive coniferous plantations, parkland or woodland blocks, heathland country parks. | Scope if turbine does not conflict with traditional riverside landscapes, parkland or woodland blocks. | Low potential – would need to ensure farm does not conflict with traditional riverside landscapes, parkland or woodland blocks. | Low potential would need to ensure farm does not conflict with traditional riverside landscapes, parkland or woodland blocks. | Out of character and scale. Wind farm would dominate scale of features present. | Mineral restoration has created varied landscapes including lakes in Vale and created important recreational assets. |
| Enclosure Mostly well contained – well managed hedges, plantations, more open to east of area. | Some scope in more open areas, especially if linked to growth or road network. | Low potential to integrate a cluster without conflict with enclosure pattern. | Enclosure pattern limits scale of open land. Medium scale wind farm would contrast and dominate the surviving historic landscape. | Not suitable – enclosure pattern limits scale of open land. Large scale wind farm would contrast and dominate the historic landscape. | Views from Greensand Ridge critical – important to avoid open views of turbines. Some longer distance views from Billington and Tottenham and the Chilterns. |
| Skyline Wooded skyline of Greensand Ridge at Heath and Reach. Locally important skyline at Hockliffe. | Single turbine – concern about cumulative impact with large turbine at Double Arches. | Cluster of turbines has limited scope, in terms of conflict with Greensand skyline. Concern re cumulative impact with large turbine at Double Arches. | Medium wind farm would be highly conspicuous and dominate subtle skylines and skyline of Greensand Ridge. Concern re cumulative impact with large turbine at Double Arches. | Large wind farm would dominate subtle skylines and skyline of Greensand Ridge. Concern re cumulative impact with large turbine at Double Arches. | LCA emphasises need to keep undeveloped character of skylines – this includes avoiding development at foot of slope. |
| Development Nuclear town of Leighton Buzzard which is subject to growth east. Clayland villages tend to be linear. | Important to conserve integrity of historic villages. May be possible where linked to growth. | Important to conserve integrity of historic villages. May be possible where linked to growth. | A medium scale wind farm would need to avoid detracting from the setting of historic villages. | A large scale wind farm would dominate the setting of historic villages. | A settled landscape limiting scope. Association with growth or transport corridors may be possible but turbine height should be restricted to avoid conflict with sensitive settings. |

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Date: 23:August:2017

Map Sheet No

Application No. CB/17/01236/OUT

Scale: 1:1250

Land at Sorrell Way, Biggleswade

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| |
|-------------------|
| Item No. 7 |
|-------------------|

| | |
|--|--|
| APPLICATION NUMBER | CB/17/01236/OUT |
| LOCATION | Land at Sorrell Way, Biggleswade |
| PROPOSAL | Outline application: erection of building(s) to provide extra care accommodation comprising up to 93 units with associated access, landscaping and ancillary works. All matters reserved except for access. |
| PARISH | Biggleswade |
| WARD | Biggleswade South |
| WARD COUNCILLORS | Cllrs Lawrence & Woodward |
| CASE OFFICER | Michael Huntington |
| DATE REGISTERED | 31 March 2017 |
| EXPIRY DATE | 30 June 2017 |
| APPLICANT | CBC Assets Department |
| AGENT | Woods Hardwick Planning Ltd |
| REASON FOR COMMITTEE TO DETERMINE | Land in ownership of Central Bedfordshire Council |
| | Town Council objection to a major application recommended for approval |
| RECOMMENDED DECISION | APPROVAL subject to a s106 agreement |

Reason for Recommendation

The proposal is in a sustainable location within the built up settlement boundary for Biggleswade. While the proposal would result in the loss of open space, it has historically been allocated as a location for a lower school and nursery unit in the Stratton Development Expansion area in 1990, with an alternative use as housing. There would be no significant harm to the character and appearance of the area, including neighbouring amenity, and the access arrangements are considered acceptable. The benefits of the proposed new extra-care accommodation are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable in accordance with the National Planning Policy Framework.

Site Location:

The application site is situated to the south east of Biggleswade, within an existing residential area. It was originally allocated as a site for education or housing development, as part of the Stratton Development Expansion area, the masterplan of which was approved in 1990. Since the 1990 masterplan, Biggleswade has expanded further to the east, with residential development still taking place at the Kings Reach site. Employment development is also continuing at the Stratton Park business park, close by to the site to the south east.

Sorrell Way forms the site boundary to the north east, and Chambers Way provides the south eastern boundary. Buttercup Mead forms part of the southern edge, and a roundabout that includes the Biggleswade eastern relief road along Saxon Drive and Baden-Powell Way is located at the south eastern corner of the site.

The site is currently used as informal open space, with a public footpath running close to the southern boundary, and other informal routes criss-cross the site.

The Application:

The applicant seeks outline planning permission for the erection of buildings to provide extra-care accommodation comprising up to 93 units with associated access, landscaping and ancillary works. The scheme would be 100% affordable housing.

All matters are reserved except for access.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

Policy CS1 – Development Strategy

Policy CS2 – Developer Contributions

Policy CS3 – Healthy and Sustainable Communities

Policy CS4 – Linking Communities – accessibility and transport

Policy CS5 – Providing Homes

Policy CS7 – Affordable Housing

Policy CS13 – Climate Change

Policy CS14 – High Quality Development

Policy CS16 - Landscape and Woodland

Policy CS17 - Green Infrastructure

Policy DM3 - High Quality Development

Policy DM10 – Housing Mix

Policy DM14 - Landscape and Woodland

Policy DM15 - Biodiversity

Policy DM16 - Green Infrastructure

Policy DM17 - Accessible Greenspaces

Development Strategy

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical

papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Central Bedfordshire Sustainable Drainage Guidance (May 2015)

Relevant Planning History:

MB/90/00466/CC Stratton Development Area – Masterplan pursuant to outline planning permission for residential and associated development. Approved 8th May 1990.

17/1277/OUT - Subject to a separate report on this committee agenda.

Consultees:

Biggleswade Town
Council

Objects on the following grounds:-

It was **RESOLVED** that the Town Council **OBJECT** to this application on the grounds that the access is not clear, that the application is linked to the Saxon Drive development with a view to offset the provision for social housing on the Saxon Drive site.

Anglian Water

No objection

The site layout should take into account Anglian Water assets close to or crossing the site.

The sewerage system has the capacity to deal with flows arising from the development.

Environment Agency

No comment

Fire and Rescue

No objection

Vehicular access for a fire pump needs to be provided within 45m of all points within a dwelling house, and turning facilities are required.

Fire hydrants will be required and no building shall be further than 90m from a fire hydrant.

Internal Drainage Board

No comment

| | |
|------------------------------|---|
| Sustainable drainage | <p>No objection, subject to planning conditions requiring detailed plans of the drainage system, together with a maintenance and management plan.</p> |
| Archaeology | <p>No objection</p> <p>It can be demonstrated that the proposed development is unlikely to have an impact on archaeological deposits and will not affect the setting of Stratton Park Moat Scheduled Monument and will not, therefore, affect the significance of heritage assets with archaeological interest or the designated heritage asset. Consequently, there is no objection to this application on archaeological grounds.</p> |
| Ecology | <p>No objection</p> <p>To ensure that the development delivers a net gain in biodiversity, a condition will be required to ensure the an ecological enhancement strategy is submitted and approved.</p> |
| Green Infrastructure | <p>Object</p> <p>The application would result in the loss of a green infrastructure asset and recreational open space, identified in the Leisure Strategy and as an accessible green space in the Biggleswade Green Wheel.</p> |
| Highways Development Control | <p>No objection</p> <p>Access is shown at 5.5m with a 9m junction radii, which is acceptable.</p> <p>Concern has been raised that the red line connects to Sorrell Way, which has not yet been adopted.</p> <p>Car parking will be required at 1 space per 4 beds and 1 space per 2 members of staff. This should be regarded as a minimum standard. Cycle parking will also be required.</p> <p>The Transport Assessment has looked at the surrounding junctions. All the junctions are below the capacity level RFC of 0.85 with the exception of the Chambers Way / London Road junction which is above the theoretical maximum with a worst case scenario of 1.16. However the development would only add 0.01 to this, which is not considered severe in accordance with the NPPF.</p> |

Planning conditions will be required relating to the Highway Junction, visibility splays, vehicular turning areas and surface water drainage.

Housing

Supports the application

Sorrell Way has been identified as a key priority by CBC for the delivery of an extra care facility.

The Strategic Housing Market Assessment (SHMA) has identified a tenure requirement from qualifying affordable housing sites as being 73% affordable rent and 27% intermediate tenure. This would make a requirement of 68 units of affordable rent and 25 units of intermediate tenure (shared ownership) from this proposed development. However, a flexible approach can be taken with the tenure mix to enable the delivery of the extra care scheme and to ensure that the correct balance of tenure is provided.

Landscaping

Object

The development would introduce a very large building and parking court on one of the few open spaces within the residential area of east Biggleswade. The current proportion of built form to open space is too high.

The landscape proposals need to be strengthened, with the northern boundary providing scope to provide a strong tree line as well as the planting of landmark trees along the Chambers Way frontage.

A green corridor will also be beneficial alongside the public footpath, and ecologically rich SuDs will be necessary for the parking court and the building.

MANOP Team (meeting the needs of older people)

No objection.

The number of older residents in this ward and the substantial predicted rise in the number of people over 65 in the Ivel Valley area demonstrates that there is likely to be significant demand for mainstream housing with care and support available for mainstream housing.

Public Art

No objection

A public art plan will be required, to highlight a sense of place on the development.

Public Protection

No objection

The contamination assessment suggests that there is no need for any remediation.

The site is located where some of the proposed units are exposed to noise from traffic, and it will be necessary to ensure that any end users are protected from traffic noise.

Conditions will be necessary relating to a final risk assessment relating to ground contamination and also relating to noise protection.

Public Rights of Way

No objection

The developer will be required to submit a Strategic Rights of Way Plan. Public Footpath no. 24 crosses the site and may have to be diverted to accommodate the development. Any diversion will need to ensure that the new route is located in a wide green landscaped area with the possibility of a Toucan crossing where the footpath crosses Chambers Way, and upgraded to allow for cycle use.

Sustainability

Development must meet sustainability standards set out by the core strategy policy CS13: Climate Change and development management policies DM1: Renewable Energy and DM2: Sustainable Construction of New Buildings.

Trees

The site consists of rough grassland, with one group of trees on the site. The group of trees are proposed to be removed, and these should be retained as much as possible with only minimal removal to enable the re-routing of the path.

Other Representations:

29 comments from neighbours and others:-

These comments can be summarised as follows:-

3, 4, 6, 9,10 Buttercup
Mead
17,19 Chervil Close
12 Eagle Farm Road
17 Lilac Grove
24 Orchard Close
23 Osprey Road
11 Reynolds Close
3, 5, 15 Rosemary
Close
40 Rutherford Way
19,25 Sage Close
1, 4, 7 Sorrell Way
71 Stratton Way
15, 16, 36, 37 Tansey
End
52 Weavers Green

- Increase in traffic along Sorrell Way, the roundabout is at capacity
- Increase in noise from the development
- Noise from the construction of the development
- Loss of precious open space and removal of trees
- Effect on wildlife
- Loss of trees on the site
- Scale of the proposed 3 storey block on the corner
- Loss of sunlight for neighbours because of the scale of the building
- Massing of the building – not suitable in this area
- Site not suitable for vulnerable people
- Loss of privacy in rear gardens
- Rerouting of public footpath

Determining Issues:

The main considerations of the application are;

1. Principle
2. Effect on the character and appearance of the area
3. Neighbouring amenity
4. Highway considerations
5. Planning contributions
6. Planning balance
7. Other considerations

Considerations

1. Principle

- 1.1 The site lies within the town envelope of Biggleswade. It was originally allocated as a site for a Lower School and Nursery Unit as part of the Stratton Development Area in 1990. Its alternative use if the school did not come forward was for housing. The school and its alternative use never came forward and the site became an informal area of open space, with several informal footpaths crossing the site.
- 1.2 Biggleswade is the largest town in the northern part of Central Bedfordshire and is categorised as a Major Service Centre in the hierarchy of settlements. The vision in the adopted local plan is for the town to expand in this role. The town contains a number of services that are expected of a higher order settlement, and taking these points into account it is considered that, as a settlement, Biggleswade should be regarded as being a sustainable location for further growth.

- 1.3 The scale of the proposed development should reflect the scale of the settlement in which it is to be located. In the wider context of the settlement, the addition of up to 93 dwellings within an extra care scheme is considered to be of an appropriate scale.
- 1.4 The site will be accessed via the existing highway on Sorrell Way. Subject to achieving the necessary technical approvals, the location of this access is considered acceptable.
- 1.5 The site is very close to existing community facilities with shops and other leisure facilities directly across the road at the Saxon Pool and Leisure Centre, and this would be a sustainable location for development.
- 1.6 The application will provide the affordable housing element of the neighbouring Saxon Drive scheme ref. 17/01277/OUT, which is subject of a separate report on this agenda, should that application be approved. The proposed 'up to' 93 units when added to the 'up to' 230 dwelling scheme at Saxon Drive, equates to over 40% affordable housing over both sites, in excess of the policy compliant 35% requirement.
- 1.7 The location of the proposal and the benefits of the proposed new extra-care accommodation are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable in accordance with the National Planning Policy Framework.

2 Effect on the Character and Appearance of the Area

- 2.1 Development of the site will increase the built form in the area. Development will result in a loss of open space and this is considered to be an adverse impact. However, this site was earmarked for either education or residential development in the 1990 Stratton Expansion Area development, and although neither of the proposals have been implemented, the land is not protected open space, and it has always been intended since 1990 that some development would take place in this location. While there would be a loss of open space it is not considered that the impact would detrimentally harm the character and appearance of the area to the extent that it is regarded as significant and demonstrable in this instance. There are several long distance footpaths located in the wider area which provide ample opportunities for dog walking and other exercise.
- 2.2 The scale and massing of the proposed development, mainly two storeys in height, is considered to be appropriate for the site. The development of an extra care building is such that rooms will probably have to be accessed off a central corridor. The proposal to have a corner building of up to 3 storeys is considered to be an appropriate height to add interest in this location. Three storeys has already been used successfully at the neighbouring Kings Reach development,

and subject to detailed design at reserved matters stage to ensure that the scale and massing is dealt with appropriately, then this should be a sympathetic development which would not harm the character and appearance of the area in accordance with policy DM3 of the Local Plan.

3 Neighbouring Amenity

- 3.1 Access is proposed off Sorrell Way. The access was selected at the far north western end of the site to enable a landscaped car park to be located there, which would minimise the potential overlooking issues with the residents of Rosemary Close by setting the building away from that part of the site. By ensuring at reserved matters stage that the car park is significantly landscaped along the site boundary, and that bollard lighting rather than column lighting is used, then this will ensure that the privacy of the neighbours will be safeguarded.
- 3.2 The illustrative masterplan shows the majority of the built form facing out onto Sorrell Way and Chambers Way. This is an appropriate response, as it provides for built form having a positive and active relationship with the street. At reserved matters stage the development will be required to be designed to ensure that the massing of the building will be broken up.
- 3.3 The illustrative masterplan identifies how the building could be design to deliver up to 93 dwellings without materially harming the amenities of the neighbouring dwellings along Sorrell Way and Buttercup Mead. At reserved matters stage the development will be required to be designed to ensure that windows and other openings will be located in locations that will not demonstrably harm the amenity of existing neighbours.
- 3.4 Noise and other issues arising from the construction of the development will be controlled by a Construction Environmental Management Plan (CEMP).

4 Highway Considerations

- 4.1 As highlighted in para 3.1, access is proposed to be off Sorrell Way. This is considered to be an appropriate location for the proposed access.
- 4.2 It is not considered that the proposal will significantly contribute to increased traffic in the area. Car parking will be required to meet the standards as set out in the Central Bedfordshire Design Guide.
- 4.3 It is considered appropriate that a Toucan crossing is provided to access the adjacent local centre, and this can be achieved by planning condition.

5. Planning Contributions

It is intended that the site will provide the affordable housing element of the neighbouring Saxon Drive scheme which is also recommended for approval on

the same agenda. A s106 Agreement will secure this.

6. The planning balance and whether the scheme is sustainable development

- 6.1 The Council can now demonstrate a 5.75 years supply of housing land, but this does not mean that planning applications on unallocated land can be automatically rejected, and indeed such applications still have to be determined in the context of the presumption in favour of sustainable development as set out in the NPPF, and its commitment to significantly boost housing supply.

Consideration should be given to the individual merits of the scheme in light of the presumption in favour of sustainable development. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development; economic, social and environmental. The scheme should therefore be considered in light of these.

Environmental

It is acknowledged that there would be a loss of open space, however the site was masterplanned as a development site and would contribute to protecting the built environment as required in the NPPF and therefore the proposal passes this strand of sustainable development.

Social

The report has detailed that Biggleswade is regarded as a sustainable location and it is considered that the town offers services and facilities that can accommodate the growth resultant from this scheme. The illustrative layout shows that a 'high quality built environment' which is a specific requirement of this strand as set out in the NPPF, could be achieved. The proposal also has the benefit of providing housing to meet the needs of the elderly.

Economic

It is accepted that the proposed scheme will bring economic benefits to Biggleswade during the construction period of the scheme and it is acknowledged that new residents are likely to support existing local services close by to the site.

In this case, the provision of an extra-care housing scheme with 100% affordable housing, would be a significant benefit to the town to meet the needs of the existing growing population of elderly residents.

8. Other Considerations

8.1 Human Rights issues:

Based on the information submitted, there are no known issues raised in the context of the Human Rights / Equality Act 2010, and as such there would be no relevant implications with in this proposal.

Recommendation:

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

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.

- 2 **No development shall take place until approval of the details of the appearance, landscaping, layout and scale of the development [and any other details required i.e. the landscaping adjoining it] within that area (herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.

- 3 **No development shall take place until details of the surface water drainage system and the implementation (including a timetable), maintenance and management of the sustainable drainage scheme relating to that phase have been submitted to and approved in writing by the local planning authority. Development shall be carried out and operated thereafter in accordance with the approved details.**

**Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.
(Section 10, NPPF)**

This is a pre-commencement condition as it is important to agree drainage details before development begins.

- 4 The plans to be submitted in accordance with Condition 2 of this permission shall include a tree survey carried out in accordance with BS5837 2012 which shall identify the location of all trees on the land, together with the species of each tree.

Reason: To enable the siting of buildings to be considered in relation to the existing trees.
(Section 7 & 11, NPPF)

- 5 The plans to be submitted in accordance with Condition 2 of this permission shall include details of how the proposed and existing landscaping relates to the existing public footpath and any potential diversions of the footpath that may take place. Development shall take place 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 and the principles of the NPPF.

- 6 No part of the development shall be occupied until a toucan crossing has been provided enabling pedestrians and cyclists to cross Chambers Way, connecting occupiers of the development with facilities at the Saxon Centre.

Reason: To ensure that the development provides appropriate access and linkages in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009 and the principles of the NPPF.

- 7 No development shall take place above DPC level until details of all means of enclosure and boundary treatments, including buffers to existing and new hedging, 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: 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 and the principles of the NPPF.

- 8 No part of the development shall be occupied until the car parking layout shall has been completed in accordance with the approved plans. The area shall be retained thereafter for its intended purpose.

Reason: To ensure that the car parking provision is provided before the occupation of any of the dwellings, to ensure the amenity of the residents (Section 7, NPPF).

- 9 If, during development, contamination not previously identified is found to be present at the site, then no further development of that phase shall be carried out until an investigation strategy and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination will be dealt with has been submitted to and approved in writing by the local planning authority. No part of that phase shall be occupied until measured identified in the approved remediation strategy and verification plan have been completed and a verification report demonstrating completion of the approved remediation works and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority.

Reason: To protect human health and the environment (Section 8, NPPF)

- 10 No dwelling shall be occupied until details of a piece of public art to form part of the development, including a timetable for its provision, 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: 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 and the principles of the NPPF.

- 11 No external lighting shall be installed on any part of the development until details have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure that the amenity would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009 and the principles of the NPPF.

- 12 **No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:**

- a) Construction traffic routes and points of access/egress to be used by construction vehicles;**
- b) Details of site compounds, offices and areas to be used for the storage of materials;**
- c) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**

Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.

The development hereby permitted shall be carried out only in accordance with the approved CEMP.

Reason: To safeguard the amenity of existing and future residents. (Section 7, NPPF)

This is a pre-commencement condition as this detail needs to be agreed before the start of construction.

- 13 This approval relates only to the details shown on the submitted plan number SLP-02 SW rev B.

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

- 14 **No development shall take place until wheel-cleaning facilities which prevent the deposit of mud or other extraneous material on the highway during the construction period have been installed at the vehicular site exit and made operational and the Site Developer shall ensure that these are used by all vehicles exiting the site until the development has been substantially completed or until the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

Reason: In the interests of the users of adjacent roads and to prevent the deposit of mud or other extraneous material on the highway during the construction period. This is a pre-commencement condition as it is important to ensure that there are wheel cleaning facilities in place before development begins (Section 7, NPPF)

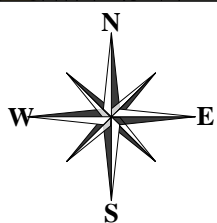
- 15 **No development shall take place until a Section 106 agreement has been entered into to secure the provision of an affordable housing scheme and off site highway works on the form of the draft attached hereto.**

Reason: To secure appropriate contributions towards the social and community infrastructure needs of the local community.

INFORMATIVE NOTES TO APPLICANT

DECISION

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Central Bedfordshire Council
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Date: 25:August:2017

Map Sheet No

Application No. CB/17/01277/OUT

Scale: 1:1250

Land at Saxon Drive Biggleswade

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| Item No. 8 |
|-------------------|

| | |
|--|---|
| APPLICATION NUMBER | CB/17/01277/OUT |
| LOCATION | Land at Saxon Drive Biggleswade |
| PROPOSAL | Outline Application: Erection of up to 230 residential dwellings with associated access, landscaping, open space and ancillary works. All matters reserved except means of access from Saxon Drive |
| PARISH | Biggleswade |
| WARD | Biggleswade South |
| WARD COUNCILLORS | Cllrs Lawrence & Woodward |
| CASE OFFICER | Michael Huntington |
| DATE REGISTERED | 14 March 2017 |
| EXPIRY DATE | 13 June 2017 |
| APPLICANT | Central Bedfordshire Council Assets |
| AGENT | Woods Hardwick Planning Ltd |
| REASON FOR COMMITTEE TO DETERMINE | Major application and departure from the Development Plan |

Land in ownership of Central Bedfordshire Council

Town Council objection to a major application recommended for approval

| | |
|-----------------------------|--|
| RECOMMENDED DECISION | APPROVAL subject to a Section 106 Agreement |
|-----------------------------|--|

Reason for Recommendation

The application site is closely related to the existing settlement boundary in Biggleswade and is considered to be a sustainable location for planning purposes. The proposal is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document and would have an impact on the character and appearance of the area, however this impact is not considered to be harmful, and there is a small scale loss of Grade 2 agricultural land. The proposal is considered to be acceptable in terms of landscape, archaeological and ecological impact, highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management DPD. The development would enable delivery of a 93 dwelling Extra Scheme nearby at Sorrell Way, representing 40% affordable housing provision to meet local need, and in addition the benefits of the proposed new open space, new public footpath network and enhancement to the nearby Scheduled Ancient Monument are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable in accordance with the objectives of the NPPF.

Site Location:

The application site is situated to the south east of Biggleswade. Recent large scale residential development has taken place at Kings Reach, close by to this site to the north, and recent employment development has also taken place at the Stratton Park business park, close by to the site to the south.

Saxon Drive forms the site boundary to the west, and Baden Powell Way provides the northern boundary. Arable fields, allotments and a stream provide the eastern edge and a small group of mobile homes known as Stratton Park form the southern edge.

The site is currently mostly arable land, and is accessed via a farm track off Saxon Drive. The land falls gently down towards the stream.

The Application:

The applicant seeks outline planning permission for residential development of up to 230 new dwellings, with vehicular access from Saxon Drive; open space, landscaping, footpath and cycle links, sustainable drainage, and other related infrastructure.

All matters are reserved except for access.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

- Policy CS1 – Development Strategy
- Policy CS2 – Developer Contributions
- Policy CS3 – Healthy and Sustainable Communities
- Policy CS4 – Linking Communities – accessibility and transport
- Policy CS5 – Providing Homes
- Policy CS7 – Affordable Housing
- Policy CS13 – Climate Change
- Policy CS14 – High Quality Development
- Policy CS16 - Landscape and Woodland
- Policy CS17 - Green Infrastructure
- Policy DM3 - High Quality Development
- Policy DM10 – Housing Mix
- Policy DM14 - Landscape and Woodland
- Policy DM15 - Biodiversity
- Policy DM16 - Green Infrastructure
- Policy DM17 - Accessible Greenspaces

Development Strategy

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Central Bedfordshire Sustainable Drainage Guidance (May 2015)

Relevant Planning History:

16/05497/PAPC Land at Saxon Drive and Sorrell Way, Biggleswade - pre-application advice released

Consultees:

Biggleswade Town
Council

It was **RESOLVED** that Biggleswade Town Council raise strong **OBJECTIONS** on the following grounds:

- Strong objections to the development of that area – it is the other side of a dangerous/fast road
- It is separate to the existing community
- Development will cause precedent
- Part of the site is a flood plain/subject to flooding
- Local Plan not in place, therefore this is premature
- Outside development envelope as it currently exists
- There may be a Covenant on the land
- Lack of infrastructure for the town to cope
- Inappropriate design
- Too high density

No proposed crossings for pedestrians to cross Saxon Drive

Biggleswade Green
Wheel co-ordinator

Neither supports nor objects to the scheme.

While the proposal identifies a number of Permissive Path options, there is no indication which options are to be followed, and Permissive Paths can be withdrawn at any time by the landowner.

In relation to the Green Wheel, a new outer rim of the wheel is provided to the east of the development.

Welcomes the increase in green infrastructure provision.

Anglian Water

No objection:-

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The foul drainage from this development is in the catchment of Biggleswade Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Environment Agency

No comments

Internal Drainage Board

The Board accepts the proposal in principle, but revised figures for storage volumes must be provided when actual impermeable areas are known.

The stream is under the statutory control of the Board, and a 7m maintenance byelaw strip will be required for maintenance.

Historic England

No objection, subject to the development of a Heritage Asset Enhancement Strategy for the site and relevant planning conditions.

Sustainable drainage

No objection

Planning permission could be granted to the proposed development, subject to the planning conditions being secured requiring a detailed surface water drainage scheme and a finalised maintenance and management plan.

Archaeology

No objection, subject to the development of a Heritage Asset Enhancement Strategy for the site and relevant planning conditions.

The Heritage Statement identifies two main areas of archaeological impact:

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, with a complex network of hollow-ways, fields and platforms.

The main changes to the setting have occurred to the south with the ongoing development of the Stratton Business Park.

Other Archaeological Remains

The Heritage Statement uses the results of archaeological field evaluations undertaken in 2003, 2007 and 2017 to identify five “archaeological assets”:

A – Roman settlement;

B - Medieval settlement which relates to the core of Stratton Saxon and medieval settlement immediately to the west;

C – Medieval moat and settlement which relates to the core of Stratton Saxon and medieval settlement immediately to the west;

D – Medieval field system;

E – Dispersed distribution of pits and ditches.

Groundworks required by the construction of the proposed development are identified as having a substantial impact on the archaeological deposits the site is known to contain. It is stated that groundworks are “...highly likely to completely destroy the known archaeological heritage assets.” It is proposed that an appropriate mitigation strategy for the impact of the proposed development would be for a programme of archaeological investigation, analysis and publication.

Ecology

No objection

Given the proposed layout allows for retention of open ditches and substantial buffering of the stream potential impacts to water voles should be minimal.

Welcomes the retention of existing features such as the pond and open ditches and the provision of east / west green corridors, additional habitat creation and open space.

New development will result in increased pressure on the existing County Wildlife Site to the north of the site. And there will need to be a management scheme for appropriate care of the CWS.

A planning condition should be applied which will ensure recommendations for ecological management and enhancement made in the Ecological Impact Assessment are adopted.

| | |
|------------------------------|--|
| Education | Contributions required of up to £2,814,491.78 for the provision of school places. |
| Footpaths | No objection, subject to a condition requiring a public right of way scheme to be submitted to and approved in writing with the LPA |
| Highways Development Control | Advised at pre-app stage that subject to a Transport Assessment the access from the four arm roundabout was acceptable, and that pedestrian / cycle crossings across Saxon Drive would be required. Comments on the application will be reported as part of the late sheet. |
| Housing | Supports the application. Whilst the application proposes 100% market housing, the affordable element will be provided through application CB/17/01236/OUT which runs alongside this application. The affordable element will be provided through a bespoke 93 unit extra care scheme with the provision being entirely affordable (100%). |
| Landscaping | No objection, but there is still concern that some of the spaces within the development as shown in the indicative masterplan are too urban. It is important that the landscaping scheme, which will be required by planning condition, incorporates a soft landscaping strategy for the shared surface spaces, and also incorporates an |

ecologically rich strategic landscape for the Riverside Park, a scheme to develop a community woodland approach for the northern woodland, and ornamental planting and boundary treatment sympathetic to the rural edge.

Leisure and open space

Leisure facilities strategy:-

The development is within the catchment of the Saxon Pool, where refurbishment of the wet side changing rooms is required.

A contribution of £193,231 towards the Saxon Pool project will be sought.

Recreation and open space strategy:-

On site:-

A children's play area LAP/LEAP is required

Teenage facilities NEAP are required

Off site:-

Contribution towards local recreation area, £72,672 towards 3G pitch at Kings Reach, calculated using the Sport England playing pitch calculator.

Public Art

Given the proposed scale of development public art is required to be included in development proposals to enhance public interfaces, reinforce quality in design and highlight a sense of place.

Key requirements are:

- Public Art be integrated in the development design process and be addressed in Masterplans and Design Codes.
- Where possible artists should be appointed as part of the design team.
- Public Art should be site specific; responding to place and people including environment and materials.
- Public Art should be unique, of high quality and relevant to local communities.

Public Protection

No objection

The site is located alongside Saxon Drive and may be subject to a significant amount of noise from traffic and adjoining leisure/childcare uses. It will therefore be necessary to ensure as with any development that the end users are protected from noise and therefore I recommend the following conditions to ensure that

building design, glazing and ventilation requirements are adequately protective.

In terms of Contaminated Land the results of the ongoing referenced gas assessment should be provided once complete to demonstrate no remediation is necessary, or validation provided of any necessary remediation/mitigation agreed and implemented.

Sustainability

Development must meet sustainability standards set out by the core strategy policy CS13: Climate Change and development management policies DM1: Renewable Energy and DM2: Sustainable Construction of New Buildings.

Trees

No objection

The site consists of grassland and the tree report identifies that the majority of trees are located around the site perimeter with a number of them being offsite on adjoining land but with the potential to be affected by the proposals, the majority of the trees are identified as category C trees with a limited number of category B trees. The Impact on the trees looking at the proposed layout will be minimal however we will require a detailed Tree Protection Plan and an Arboricultural Method Statement to be supplied as part of any full application.

The layout should be able to accommodate extensive new planting with the emphasis on open space and amenity areas incorporating the use of native species to enhance the local current planting.

Rights of Way

There are Public Rights of Way running west to east through the site. There is also a future Permissive Bridleway agreement soon to be agreed along the Kennel Farm track which bisects the application site in addition to the Legal Public Footpaths.

A full scheme for the provision of the public footpaths in line with our rights of way standards and guidance will be required by condition. This should include information as to the design of the public footpath through the site (including landscaping, width and surfacing), proposals for the permanent diversion of the Public Footpath and Permissive Bridleway where this is necessary or desired and full details of any temporary closure or diversion of the Public Footpath and alternative route provision, should

this be felt to be needed during the construction phase. The route should follow Secured by Design standards and design should consider the future maintenance of any footpath surface - how it is to be kept maintained long-term and by whom.

Other comments from a consideration of the plans:-

- No planting and landscaping should affect the public footpath - consideration should be given to health and safety of trees long-term and who would be responsible for tree surveys and for making sure new planting does not encroach or overhang the Public Footpath
- No drainage issues should be created for the Public Footpath. The Surface Water Drainage Strategy is slightly confusing as it seems to show a balancing pond next to the path.
- The alignment of the Kennel farm track/Permissive Bridleway should remain where it currently runs.
- Further Section 106 contributions for nearby public rights of way improvements may be sought if this is judged to be appropriate.

Managing the Accommodation Needs of Older People (MANOP)

The proposed development falls within the Ivel Valley locality and the Biggleswade South ward. Ivel Valley has a total population of 84,900 and 5,800 of these residents are aged over 75 years. This is forecast to rise to 10,180 by 2030. Delivering accommodation suitable for older people is therefore a priority for Central Bedfordshire Council.

The number of older residents in this ward and the substantial predicted rise in the people over 65 in the Ivel Valley area demonstrates that there is likely to be significant demand for mainstream housing that is specifically designed for older people and for specialist accommodation for older people, such as residential care homes and housing with care and support available such as extra care developments.

If older people live in accommodation that does not meet their needs it can have an adverse impact on their health and well-being. In 2011 in the ward of Biggleswade South 5.9% of residents stated that their day to day activities were limited a lot due to a long term health condition or disability and 8.6% of residents were limited a little. This highlights the need to have more accommodation available for older people that enables them to live independently within the community.

It would therefore be beneficial that a proportion of the

dwellings proposed were designed to be suitable for older people, taking into account their needs, expectations and aspirations.

Other Representations:

Neighbours and others:-
125 letters of objection
and 2 letters of support

14 Appleton Mead,
21 Apollo Gardens,
45a Bedford Road,
11, 13, 21, 26, 104 The
Baulk,
19 Beech Avenue,
32 Biggleswade Road,
1, 5, 9, 19, 23 Bluebell
Close,
9 Brunel Drive,
9, 25 Buttercup Mead,
19 Chervil Close,
4 Church Street,
18, 23, 24, 26, 27
Clover Close,
2, 26, 33 Coltsfoot,
14 Compton Mead,
28 Dene Way,
27 Drove Road,
The Lodge, Dunton
Lane
10 Eagle Farm Road
5 Eris Avenue
16 Erlensee Way,
11 Evans Grove,
11 Fairfield Road,
7, 12, 22 Fennel Drive,
8, 17, 24, 32, 47, 55
Foxglove Drive,
9 Gilbert Avenue,
9 The Grove,
47 Havelock Road,
26, 45, 47 Heather
Drive,
8 Hereford Grove,
42 Hitchin Road

These comments can be summarised as follows:-

- Development beyond the settlement envelope
- Development beyond the boundary to the town
- impact upon allotments
- Loss of amenity (green wheel etc.)
- Effect on archaeology
- Impact upon the town's infrastructure
- Building on green space
- Loss of agricultural land
- Impact upon nature conservation
- Impact on flooding
- Transport and traffic
- Safety
- Noise impact on residents of Stratton Park Road.

19 Hitchmead Road,
78, 130 Holme Court
Avenue,
7 Hunt Road,
1 Jasmine Close,
25 Kingfisher Close
68, 85 Laburnam Road
10 Lavender Way,
91 Lawrence Road,
8 Lindsell Crescent,
19, 46, 137 Mead End,
3, 4 Milestones,
20 Oak Crescent,
27 Osprey Road,
10 Playfield Close,
16 Poplar Close,
21, 31, 37 Poppy Field,
Elmside, 76 Potton
Road
11 Presland Drive,
11, 36 Reynolds Close,
5 Rosemary Close,
34e, 62 Rowan
Crescent
40 Rutherford Way,
10 Sabel Close,
25, 28 Sage Close,
82 Shefford Road,
3 Snowdrop Walk
2 Stratton Park Cottage
2, 4, 10, 12, 16, 20, 22,
24, 28, 32 Stratton Park
Drive,
89 Stratton Way,
10 Sutton Avenue
63, 71 Stratton Way,
15, 16, 17 Tansey End,
12, 16 Tulip Close,
9 Turing Road,

Determining Issues:

The main considerations of the application are;

1. Principle

2. Effect on the character and appearance of the area
3. Neighbouring amenity
4. Highway considerations
5. Planning contributions
6. Planning balance
7. Other considerations

Considerations

1. Principle

- 1.1 The site lies outside of the settlement envelope of Biggleswade and is therefore located on land within the open countryside. The adopted policies within the Core Strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4). On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. As of April 2017 the Council can demonstrate a 5 year housing land supply, the latest figure is 5.75 years as at 1st July 2017. Policies relating to housing supply are therefore no longer considered to be out of date and appropriate weight can now be applied.
- 1.2 At the heart of the NPPF is a presumption in favour of sustainable development. Biggleswade is the largest town in the northern part of Central Bedfordshire and is categorised as a Major Service Centre in the hierarchy of settlements. The vision for the town is to expand on this role. It contains a number of services that are expected of a higher order settlement, and taking these points into account it is considered that, as a settlement, Biggleswade should be regarded as being a sustainable location. The site itself is very close to existing community and shopping facilities. A significant network of enhanced and new pedestrian and cycle routes will also be achieved through connections to the existing open space routes in the area and crossing of Saxon Way. The provision of these new links to connect to the existing footpath network is a planning benefit that will link this proposed development with the rest of Biggleswade.
- 1.3 The scale of the proposed development should reflect the scale of the settlement in which it is to be located. In the wider context of the settlement, the addition of up to 230 dwellings is considered to be an appropriate scale. The illustrative masterplan demonstrates that the number of dwellings proposed can be achieved within the site area whilst complying with Design Guide standards and providing a form of development that will respect its edge of settlement location with dwellings at 2, 2.5 and 3 storey at key nodal points.
- 1.4 The site falls within grade 2 (very good) agricultural land, when looking at the agricultural land classification map. However, the loss of such a small area of arable land is not considered to be significantly harmful.
- 1.5 The proposed development is located outside the settlement envelope and is

contrary to policy DM4. However this is considered to be a sustainable location and the scale of growth is considered to be proportionate to the size of the settlement. The potential impacts and benefits of the development are discussed below in order to consider whether material considerations outweigh the non-compliance with policy DM4.

2 Effect on the Character and Appearance of the Area

- 2.1 Development of the site will increase the built form in the area. The site is viewed from public vantage points along Saxon Drive and Baden Powell Way, as well as along existing public footpaths. Development will result in a loss of open countryside and this is considered to be an adverse impact. It can however be regarded as a sympathetic extension of the town and while there would be a loss of open countryside it is not considered that the impact would detrimentally harm the character and appearance of the area to the extent that it is regarded as significant and demonstrable in this instance.
- 2.3 Saxon Drive currently provides a green edge to Biggleswade, with the trees belt to the east of the road forming part of the Biggleswade Green Wheel. The green wheel provides a mature landscaped setting along the eastern edge. However, the proposal to deliver 230 new dwellings will not materially affect the green wheel, which will still exist as a wide tree lined belt within which runs a gravel path. The existing allotments to the north east would remain and a proposed new park area would be provided in the south-east part of the development. A significant green edge would therefore still be provided as a buffer to the adjacent open countryside.
- 2.4 While there would be a loss of open countryside it is not considered that the impact would detrimentally harm the character and appearance of the area to the extent that it is regarded as significant and demonstrable in this instance in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.

3 Neighbouring Amenity

- 3.1 The site is close to a number of residential properties on its southern boundary which are single storey in height. The development would be visible from these properties but the indicative layout shows development could be proposed at reserved matters stage that would not result in buildings being overbearing or causing any loss of light.
- 3.2 The indicative masterplan proposes 1.5 storey dwellings along the edge that face these dwellings, which is considered acceptable given the landscape buffer proposed between and a planning condition will ensure that any new properties along that edge will be fixed at this height.
- 3.3 The new dwellings will have an impact upon the existing allotments by bringing built form closer. However the indicative masterplan identifies a large area of

open space to be retained on the north western edge to the site and this will provide an attractive back drop to the allotments in this location. The masterplan also shows buildings set back from the allotments along the north eastern edge to the site, retaining the current informal track that runs between the arable field and the allotments. Access to the allotments will not be affected.

- 3.4 It is not considered that there are any materially harmful amenity issues arising from the proposals in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009. .

4 Highway Considerations

- 4.1 The site will be accessed via the existing 4 arm roundabout on Saxon Drive. Subject to achieving the necessary technical approvals, the location of this access is considered acceptable. A significant network of enhanced and new pedestrian and cycle routes will also be achieved through connections to the existing open space routes in the area and crossing of Saxon Way. The provision of these new links to connect to the existing footpath network is a planning benefit that will link this proposed development with the rest of Biggleswade. Fuller highway considerations will be provided on the late sheet.

5. Affordable Housing

- 5.1 The application is for 100% private market housing and proposes that the affordable housing element would be provided by the Extra Care accommodation proposed under concurrent application CB/17/01236/OUT which is the subject of a separate report on this agenda. The Extra Care scheme, also on CBC owned land, would comprise 93 units (100% affordable) which would equate to 40% provision.
- 5.2 This is in excess of the adopted policy requirement (35%) and would provide significant benefits for Biggleswade residents to help meet the demand for this type of accommodation for the elderly. It is therefore considered to be a benefit of the proposal, providing that provision can be secured at the appropriate time in connection with the private market housing. This would be done by way of a planning obligation which would require provision of the Extra Care scheme, as a whole, prior to occupation of 60% of the private market housing or should the scheme be phased, by completion of the first phase, whichever is sooner.

6.0 Planning Obligations

- 6.1 The following has been agreed and shall form heads of terms, which given that the Council is the landowner would be secured by way of an appropriately worded 'Grampian' condition requiring any future developer to enter into a Section 106 Agreement with the Local Planning Authority prior to commencement of development:-
 - Delivery of affordable housing as detailed above;
 - £2,814,491.78 towards the provision of places at nursery, lower, middle and

upper schools in the vicinity;

- £193,231 towards the Saxon Pool project;
- £72,672 towards 3G pitch at Kings Reach;
- Provision of on site children's play area's;
- Provision of on site teenage facilities (NEAP);
- Upgrading of public footpaths adjacent to the site;
- Provision of a new footpath network connecting existing rights of way;
- Creation of new green infrastructure and with transfer to Town Council or other organisation nominated by CBC, together with appropriate commuted sum for maintenance purposes;
- Provision of pedestrian crossings along Saxon Drive;
- Provision of self build units;
- Travel plan implementation;
- Securing improvements to the management of the Stratton Park Moat Scheduled Ancient Monument (also in CBC ownership) in the long term and making provision for public access and interpretation.

7.0 The planning balance and whether the proposed development is sustainable

- 7.1 The Council can now demonstrate a 5.75 years supply of housing land, but the Council has serious concerns about a recent appeal decision whereby the Inspector disagreed with this and the Council is currently seeking legal advice on this matter.
- 7.2 A 5 year housing land supply does not mean that planning applications on unallocated land can be automatically rejected, and indeed such applications still have to be determined in the context of the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF, and its commitment to significantly boost housing supply.
- 7.3 For decision-making this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- 7.4 Other than the settlement framework policy DM4, there are no other technical or

environmental considerations that would prevent housing development in this location.

- 7.5 Consideration should still be given to the individual merits of the scheme in light of the presumption in favour of sustainable development. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development; economic, social and environmental which are mutually exclusive and all 3 must be achieved.

7.6 Environmental

As previously stated the application site relates well to the existing settlement. By proposing to enhance the existing green infrastructure and footpath linkages by expanding the number of routes, in particular by providing footpath linkages to the expanding Stratton Park employment area and providing an enhancement scheme for the neighbouring scheduled ancient monument, then the development would 'contribute to protecting or enhancing the natural or built environment' as required in the NPPF and therefore the proposal meets this strand of sustainable development.

7.7 Social

The report has detailed that Biggleswade is regarded as a sustainable location and it is considered that the town offers services and facilities that can accommodate the growth resultant from this scheme. The site is located in a sustainable location close to existing retail, leisure, educational and employment facilities.

- 7.8 The development will nevertheless impact on local infrastructure and as a result, development of a scale as proposed here, is required to offset these impacts, as detailed in the 'Planning Obligations' section above .

7.9 Economic

The proposed scheme will bring temporary economic benefits to this part of Biggleswade during the construction period of the scheme. It is also acknowledged that new residents are likely to support existing local services located close by as well as taking advantage of employment opportunities located nearby.

7.10 Conclusion

In this case, the application proposes a number of benefits. As detailed above this includes the provision of a significant amount of the site as publicly accessible open space, significant improvements to the public footpath network, the provision of over 40% affordable housing in the form of an Extra Care scheme at Sorrell Way, the provision of a Heritage Asset Enhancement Scheme for the nearby Scheduled Ancient Monument. Along with the sustainable location of the scheme, in close proximity to local services and employment opportunities, the planning benefits are considered to weigh favourably in the

planning balance towards recommending approval in this location.

8. Other Considerations

- 8.1 Anglian Water has indicated that there are no capacity issues at the sewage treatment works.
- 8.2 A brook is located along the eastern edge to the site. There will be no danger of the brook flooding any of the proposed dwellings, as the ground rises to where the buildings are proposed to be located. A surface water drainage strategy will be required to ensure that any surface water is appropriately managed, in accordance with the Central Bedfordshire Sustainable Drainage Guidance, before it leaves the proposed development site.
- 8.3 Human Rights issues:
Based on the information submitted, there are no known issues raised in the context of the Human Rights / Equality Act 2010, and as such there would be no relevant implications with in this proposal.

Recommendation:

That Planning Permission be granted subject to completion of a Section 106 Agreement and the following conditions:

RECOMMENDED CONDITIONS / REASONS

- 1 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission and the development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 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.
- 2 Details of the layout, scale, appearance and landscaping, including boundary treatments (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- Reason: To comply with Article 3 of the Town and Country Planning (Development Management Procedure) Order 2015.
- 3 The development hereby permitted shall be carried out in accordance with

the following approved plans: Location Plan reference 01-Saxon Drive rev B, and the access shown on 01-Indicative masterplan rev C, and the Green Infrastructure Plan.

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

- 4 **No development shall commence at the site before a phasing plan has been submitted to and approved in writing by the Local Planning Authority. Applications for reserved matters and for the approval of details pursuant to a planning condition shall be made with reference to the relevant phase as shown on the phasing plan. The phasing plan shall include details of the amount and location of self build plots, as well as a timetable for the provision of the land for the self build plots.**

Reason: To ensure that different elements of the development can come forward at the appropriate time, and to ensure that the development would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009 and the principles of the NPPF. This is a pre-commencement condition as it is necessary to agree the phasing before development begins.

- 5 **The reserved matters to be submitted for Condition no.2 above shall include details of hard and soft landscaping (including details of boundary treatments and public amenity open space, Local Equipped Areas of Play and Local Areas of Play) together with a timetable for its implementation. The development shall be carried out as approved and in accordance with the approved timetable.**

The soft landscaping scheme, with particular emphasis on the tree planting on the site boundaries, shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes at the time of their planting, and proposed numbers/densities where appropriate; and details of a scheme of management/maintenance of the soft landscaping areas. The soft landscaping areas shall be managed thereafter in accordance with the approved management/maintenance details.

The scheme shall also include an up to date survey of all existing trees and hedgerows on and adjacent to the land, with details of any to be retained (which shall include details of species and canopy spread). Notwithstanding the details submitted with the application hereby approved the measures for their protection during the course of development should also be included. Such agreed measures shall be implemented in accordance with a timetable to be agreed as part of the landscaping scheme.

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. This is a pre-commencement condition as it is necessary to ensure that details of hard and soft landscaping are agreed before development begins.

- 6 **No development shall commence within each phase until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the system will be constructed, including any phasing, pipework inclination, manholes/inspection chambers and how it will be managed and maintained after completion. The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with section 10 of the NPPF. This is a pre-commencement condition as drainage infrastructure needs to be installed at the start of development.

- 7 The details required by Condition 2 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF.

- 8 The submission of reserved matters and the implementation of the development hereby permitted shall be carried out in accordance with the parameters and the land use budget set out in the indicative masterplan rev C.

Reason: For the avoidance of doubt.

- 9 **No development shall commence until a public right of way scheme has been submitted to and approved in writing by the Local Planning Authority for the enhancement of existing and the provision of additional public footpaths and bridleways to include:**

- the design, to include landscaping, width and surfacing;
- proposals for any diversions of existing public rights of way (where necessary);
- the temporary closure and alternative route provision (where necessary) of an existing right of way

The public right of way scheme submitted should be in accordance with the approved ROW Standards and Guidance, and no dwellings

shall be occupied until the scheme has been implemented in accordance with the approved details.

Reasons: This is a pre-commencement condition to ensure that the interests of the amenity of pedestrians and other non motorised users and the safety of users are not compromised by any traffic generated by the development and in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009 and the principles of the NPPF.

- 10 **No development shall commence until a Heritage Assets Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the Heritage Assets Enhancement Scheme has been implemented in accordance with the approved details.**

Reason: To ensure that the development would be acceptable in accordance with Policies CS15 and DM13 of the Core Strategy and Development Management Policies 2009 and Section 12 of the NPPF. This is a pre-commencement condition as it is important to ensure that the enhancement of the heritage assets adjacent to the site are secured before development begins.

- 11 **No dwelling shall be occupied until a scheme for ecological enhancement, to include a management scheme for the adjacent County Wildlife Site and in accordance with the submitted Ecological Impact Assessment, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.**

Reason: To ensure that the development would be acceptable in accordance with section 11 of the NPPF.

- 12 **No development shall take place until a Section 106 agreement has been entered into to secure affordable housing provision, financial contributions towards education, leisure centre, playing fields, equipped play areas, footpath and cycle connections and links, open space and heritage enhancements, on the form of the draft attached hereto.**

Reason: To secure appropriate contributions towards the social and community infrastructure needs of the local community, in accordance with paragraph 24 of the NPPF.

- 13 **No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:**

a) Construction traffic routes and points of access/egress to be used

- by construction vehicles;
- b) Details of site compounds, offices and areas to be used for the storage of materials;
- c) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;

Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.

The development hereby permitted shall be carried out only in accordance with the approved CEMP.

Reason: To safeguard the amenity of existing and future residents. (Section 7, NPPF)

This is a pre-commencement condition as this detail needs to be agreed before the start of construction.

- 14 No dwelling shall be occupied until details of public art strategy to form part of the development, including a timetable for its provision, 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: 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 and the principles of the NPPF.

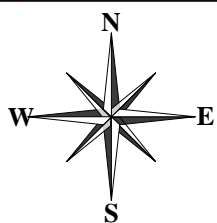
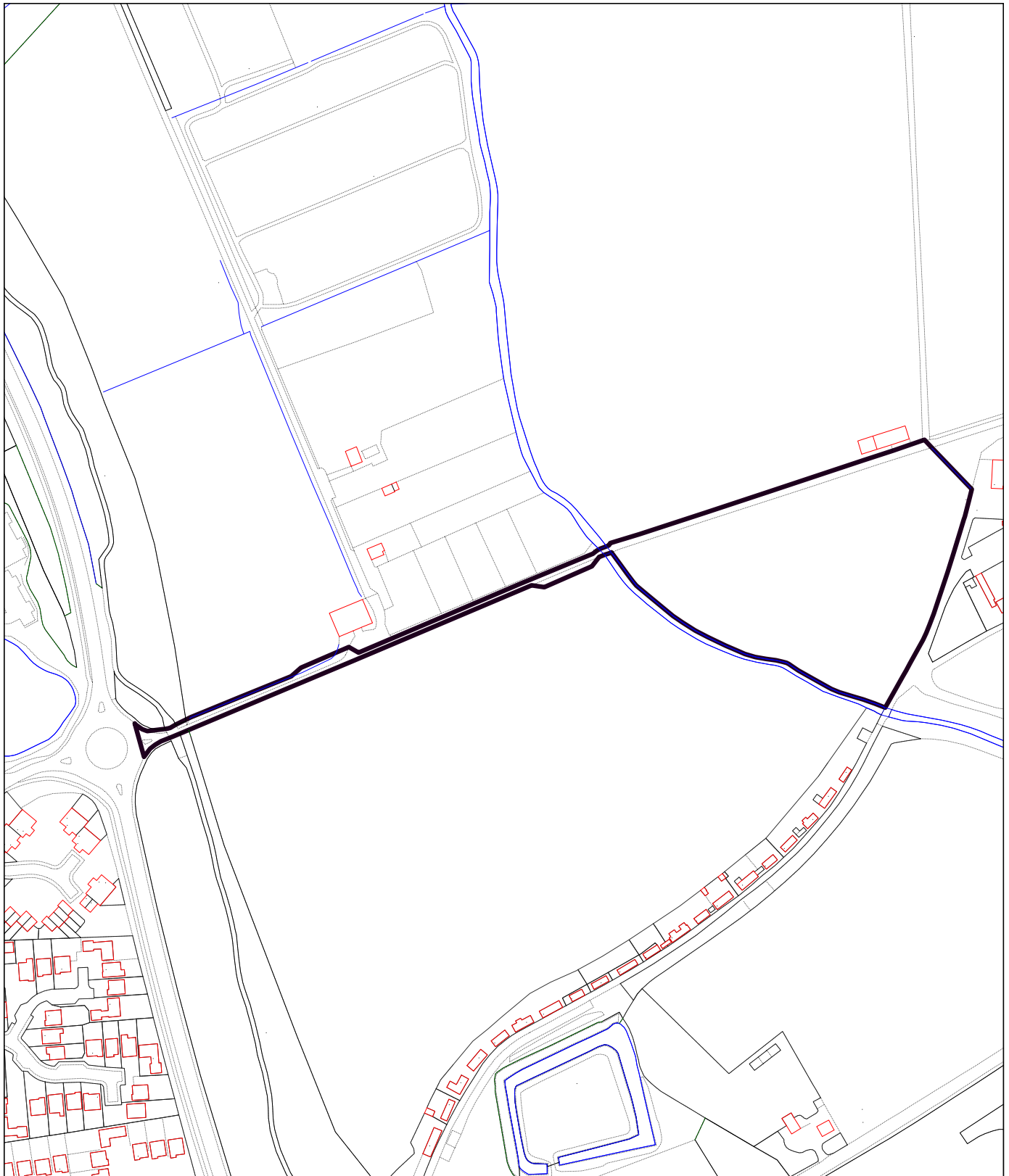
- 15 **No development shall take place until wheel-cleaning facilities which prevent the deposit of mud or other extraneous material on the highway during the construction period have been installed at the vehicular site exit and made operational and the Site Developer shall ensure that these are used by all vehicles exiting the site until the development has been substantially completed or until the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

Reason: In the interests of the users of adjacent roads and to prevent the deposit of mud or other extraneous material on the highway during the construction period. This is a pre-commencement condition as it is important to ensure that there are wheel cleaning facilities in place before development begins (Section 7, NPPF)

DECISION

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Date: 23:August:2017

Map Sheet No

Application No CB/17/02682/REG3

Scale: 1:3000

Kennel Farm, Saxon Drive, Biggleswade, SG18 8UT

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| Item No. 9 |
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| | |
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| APPLICATION NUMBER | CB/17/02682/REG3 |
| LOCATION | Kennel Farm, Saxon Drive, Biggleswade, SG18 8UT |
| PROPOSAL | Change of use of agricultural land to a Travelling Showpeople Site to create 4 plots, each plot accommodating the following: - 2 x mobile homes/chalets; - 4 x caravans; - 1 x workshop; - 4-6 trailer parking spaces; - 4 x car parking spaces. |
| PARISH | Biggleswade |
| WARD | Biggleswade South |
| WARD COUNCILLORS | Cllrs Lawrence & Woodward |
| CASE OFFICER | Alex Harrison |
| DATE REGISTERED | 30 May 2017 |
| EXPIRY DATE | 25 July 2017 |
| APPLICANT | Central Bedfordshire Council Assets |
| AGENT | Woods Hardwick Planning Ltd |
| REASON FOR COMMITTEE TO DETERMINE | Town Council objection to a major application |
| RECOMMENDED DECISION | Outstanding objections to a CBC application |
| RECOMMENDED DECISION | Full Application - Granted |

Reasons for recommendation:

The proposed development is located close to Biggleswade and would provide permanent travelling showpeople plots which contribute towards the Councils 5 year supply of gypsy and traveller accommodation needs in accordance with the National Planning Policy Framework and Planning Policy for Traveller Sites. The proposal would not result in significant harm to the character of the area or an adverse impact on the residential amenity of neighbouring properties to the extent that it would outweigh the benefit of providing plots. It is acceptable in terms of highway safety therefore by reason of its size, design and location, is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, Planning Policy for Traveller Sites.

Site Location:

The application site is a triangular shaped plot located outside of the settlement envelope of Biggleswade. It is in the open countryside but located close to existing built development by virtue of commercial units to the east and a run of park homes to the southwest. To the south of the site, beyond the park homes, lies a Scheduled Ancient Monument (SAM). The site is immediately adjacent to arable fields to the west and north. Biggleswade lies to the west of the site (beyond the arable field) with the expanded Stratton Business Park (phases 5 and 6) to the south beyond the SAM.

A watercourse runs along the south eastern boundary of the site.

Access to the site is gained from an existing lane running from the east which comes off a roundabout on Saxon Drive. This lane is rural in nature and currently used to access agricultural buildings and field and the Town allotments which are northwest of the site. The lane is gated part way up.

The Application:

Planning permission is sought for the change of use of the site to provide 4 plots for travelling showpeople. Each plot has provision for two mobile homes, 4 caravan pitches a 7 metre high workshop building and hardstanding for show vehicles as well as standard vehicles.

Access is to be gained from a lane running west of the site which is accessed via a roundabout on Saxon Drive. The roundabout is to be altered to accommodate the vehicles sizes with the access land to be altered to provide passing place as it is a single width track.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS5 (Providing Homes)

CS14 (High Quality Development)

CS16 (Landscape and Woodland)

DM3 (High Quality Development)

DM4 (Development within and beyond Settlement Envelopes)

DM14 (Landscape and Woodland)

Mid Bedfordshire Local Plan Review December (2005)

Saved policy - HO12 - Gypsies

Draft Gypsy and Traveller Plan

In June 2014, Central Bedfordshire Council submitted the Gypsy and Traveller Plan to the Planning Inspectorate for Examination after a long process of preparation and consultation.

In August 2014, the issues and matters that the Inspector wished to discuss were received. In doing so, he raised significant issues on a substantial number of matters and asked the Council to undertake a considerable amount of additional work prior to the commencement of the Examination hearings.

Following considerations of these matters Officers concluded that it was unrealistic for the Council to respond within the proposed timescale and recommended to Members (via Executive on 19th August 2014 and subsequently at Council on 11th September 2014) that the plan was withdrawn. This document therefore carries little weight in the determination of this application. However for the purpose of assessing a planning

application for the suitability of a proposed site, the policies contained within the document are considered to be useful guidelines as to whether a proposal is considered to be acceptable for its intended purpose.

Those policies thought to be relevant are:

GT5 (Assessing planning applications for Gypsy and Traveller sites)

Local Plan

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

| | |
|--------------------|---|
| Application Number | CB/16/01072/FULL |
| Description | Proposed change of use from agricultural land to a Travelling Showpeople site (4 plots) with each plot to accommodate: • 2 x mobile homes/chalets • 4 x caravans • 1 x workshop • 4-6 x trailer parking spaces • 4 x car parking spaces |
| Decision | Withdrawn |

Consultees:

| | |
|---------------------|---|
| Parish/Town Council | <p>Object to this Planning Application for the following reasons:</p> <ul style="list-style-type: none">• Access.• Size.• Inappropriate use of the site.• The location of this site with regard to a Scheduled Monument (Stratton Moat).• The proposed site is too large.• The proposed site would dominate the surrounding area.• The site is not in the Local Plan and the proposal will short circuit this process.• No restrictions on working on vehicles etc are proposed such as those in place on the industrial park. |
|---------------------|---|

It was suggested that other more suitable venues can be considered.

Cllrs David and Jane Lawrence Please put on record that David and Jane Lawrence have supported this application for more than 10 years. It was within the scheme put forward by the Town Council to Mid Beds. The showmen are part of Biggleswade heritage for over 100 years and always play their part in the good of the town. They deserve this site and I am sure could accommodate any screening requirement.

Highways The proposal is for 4 x plots for travelling show persons to include static accommodation, caravans, workshops and parking for large vehicles. Access is taken from a 40mph road (Saxon Drive) at the roundabout arm opposite Foxglove Drive and along a track which currently serves allotments, dwellings, paddocks and an industrial storage unit.

There is also an application for a residential development north of the track which, if permitted, will need to take account of the size of vehicles using the track to access the show persons site, and to provide adequate and safe flow of traffic for all that will use the access.

The arm of the roundabout where access is taken is to be widened on entry and egress and the splitter island enlarged. From the tip of the splitter island the track is being widened for 50.0m length along the access to allow for the 2 way flow of vehicles at the junction for the avoidance of obstruction to the free flow of traffic along Saxon Drive, which would be caused if a vehicle had to wait for another to leave.

Tactile paving will be provided at the green wheel and the signage, gating, bollards and waste bin will also need to be repositioned. Either side of the widened access a footway will be provided, however this is shown just 'ending' where the track reduces to single width, and not tying in with the track.

Two passing places are shown along the single width track of a suitable size to accommodate the 22.8m length vehicle. I am assuming the width of the track is between the annotation stating the edge of cultivation, which will accommodate any overrun shown on the tracking diagrams, along the track and the passing spaces. The extent of the red line plan is not very clear on the site access plan (ending SK001).

Assume that refuse collection for the site will be provided by a private company, and this will be conditioned for the perpetuity of the development. There is a suitable workable area for a fire appliance, if required, along with

turning provision.

Landscape Officer

No comments received.

Trees and Landscape

Supplied with the application is a landscape plan that includes species, sizes and densities of planting proposed for the site. These details would seem to be acceptable but we need to ensure that timings of plantings show that all bare root planting is carried out during the dormant period between October and March.

Ecologist

The ecological appraisal states that results of the desk study and field survey in combination indicate the site has potential to support a range of protected or otherwise notable species, of these reptiles and amphibians will require avoidance measures during construction.

Planning statement identifies mitigation measures proposed to reduce the impact on the watercourse including implementation of pollution prevention and species protection measures during construction; protection of retained hedgerows and trees during construction; implementation of a great crested newt mitigation strategy; suitable timing of vegetation clearance to avoid impacts on nesting birds; retention of the watercourse in the south-west of the site with a suitable buffer zone; and a sensitive external lighting strategy for the development, to minimise light spill onto retained habitats.

Measures have also been recommended to achieve a net gain in biodiversity via the proposed development, in line with the National Planning Policy Framework. Biodiversity enhancements could be delivered via the use of native species in any scheme landscaping, strengthening existing hedgerow planting within the site and providing new areas of shrub and tree-planting as part of the proposals.

To ensure that the future development of the site minimises possible adverse effects to habitats and species and hence development can be delivered in accordance with the legal and policy framework relating to ecology propose a condition is applied;

Green Infrastructure

No comments received.

Archaeologist

The proposed development is located on the northern edge of Stratton Park Moat and associated earthworks (HER 520). This site is a Scheduled Monument (NHLE 1012161) and a designated heritage asset of the highest significance as defined by the *National Planning Policy*

Framework (NPPF). The site forms part of the setting of the designated heritage asset; the setting of a designated heritage asset forms part of its significance and any development within that setting will have an impact on the 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 includes an *Archaeological Field Evaluation and Heritage Statement* (Albion Archaeology Document 2014/85, Version 2.0, 18th March 2016) which comprises the results of an archaeological field evaluation of the application site and a consideration of the impact of the proposal on the setting of the Stratton Park Moat designated heritage asset. On the basis of the information in the *Heritage Statement* it is clear that the site contains buried archaeological remains of an enclosure system of early medieval date which may relate to the to the Stratton Park Moat and associated earthworks Scheduled Monument immediately to the south. These are heritage assets with archaeological interest as defined by the *NPPF*. Development of the site will have a negative and irreversible impact on buried archaeological remains and on the significance of the heritage assets with archaeological interest they represent.

The *Heritage Statement* also considers the impact of the proposal on the setting of the Scheduled Monument. It concludes that the impact on the setting and, therefore, the significance of the designated heritage asset will be slightly harmful although not so significant that the development could not be justified in terms of its impact on the designated heritage asset. The proximity of the proposed development to the Scheduled Monument, its scale and nature mean that it will have a major impact on the setting. Not convinced that the impact of the development on the designated will not amount to substantial harm as suggested by the *Heritage Statement* particularly when taken in conjunction with the development proposals for the immediately adjacent site at Saxon Drive (CB/17/01277/OUT). The cumulative

impact of the two proposed developments is likely increase the impact on setting of the Scheduled Monument. In order to determine whether the site is acceptable within the context of paragraphs 132 and 133 of the *NPPF* will need to undertake further analysis of the proposed development and its relationship to the Saxon Drive proposal and their impact on heritage assets in particular the setting of the Scheduled Monument. When this is done further more detailed comments will be sent.

Historic England

The development is adjacent to an important archaeological site known as *Stratton Park Moated Enclosure and Associated Manorial Earthworks*. This site is designated as a scheduled monument, and is a heritage asset of national importance. The monument is a well preserved example of a medieval moated enclosure, and it is associated with contemporary manorial out-works and building platforms. The moat and associated earthworks formed the main manor of the now lost village of *Stretton* (Stratton) which was the precursor to the development of a manor house set in a large park. It is likely that the moated enclosure dates back to the C13 and remained the main manorial residence in Stratton until the C16. The features that form the scheduled monument subsequently became part of the remodelling of the landscape into a 'classic' park in the C17 and C18 Centuries. A new house, which was demolished in the 1960's, was located under the current Stratton Park bungalow and industrial units, however the park included the land associated with Kennel Farm, Park Corner Farm, as well as the scheduled monument. The new house was approached by a drive which ran from west to east, past the northern side of the moat.

As previously discussed the moat is a designated heritage asset and is of national importance. It has a high historic, evidential and communal value and the monument currently enjoys an open and rural setting to the north, south and east. We have looked at this area many times and have concluded that the views to the north from the monument looking over to the proposed development area are of particularly relevance in that they provide the rural context for the monument, and help to retain the association between the monument, the later house and the park. These views form an important part of the character, and therefore the setting of the monument, and the vistas contribute to our appreciation and understanding of the monument in its landscape. They also help maintain the open rural character in which the monument was established and in which it survived until the modern era. As noted in the Setting of Heritage Assets Historic Environment Good Practice Advice in

Planning: 3 (GPA 3) the *'Settings of heritage assets which closely resemble the setting in which the asset was constructed are likely to contribute to significance...'*. The views therefore illustrate both the original context of the moat and its later development as a park and make a contribution to the significance of the monument.

The application boundary would at its closest point be 13 m metres from the edge of the scheduled monument and we consider that the change of use and allocation of the land for the proposed development would bring a lasting and permanent change to the monument. The development would further erode the fragile historical context and would divorce the site from its rural hinterland. We consider that the proximity, scale and permanence of the development along with the implications of noise, movement and light would have a serious detrimental and harmful impact upon the significance of the monument through a development within its setting.

We recommend that this application is determined in accordance with the core planning principle observed in paragraph 14 and 17 of the National Planning Policy Framework (NPPF) which proposes a presumption in favour of sustainable development, but also says there is a need to *'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations'* (para 17). Also of relevance here is NPPF paragraph 128, which requires the applicant to describe the significance of any heritage assets affected and that the level of detail should be sufficient to understand the potential impact of the proposal on their significance.

Paragraph 131 says that when determining planning applications, account should be taken of *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'* and, *'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality'*. The NPPF paragraph 132 requires planning authorities to place great weight on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. It also recognises that significance can be harmed by development within the setting of an asset. This paragraph also recognises that *'any harm or loss should require clear and convincing justification'*. It is also recognised in the NPPF (paragraph 134) that where a development proposal will lead to less

than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The NPPF (Paragraph 137) highlights the opportunity for Local planning authorities to look for new development within the setting of heritage assets that will enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

We also previously raised concerns about the use of and reinforcement of vegetation buffers (see pages 3, 11 and 13 of the Landscape Strategy). Again the Landscape Strategy which is dated February 2016 does not appear to have been revised since our previous advice. Our view has not changed and we consider that the landscape buffer and planting scheme would in itself contribute to the harm. Planting would further enclose and restrict views from the monument and would block views through to the open countryside beyond, and the applicant's landscape strategy also shows that it would only be partially effective at screening the development. We therefore continue to consider that the screening would further harm the significance of the monument. As discussed, screening as part of a new development can also be considered as harm to the significance of a designated heritage asset in its own right. This was confirmed at an appeal involving a similar development (Appeal Ref: APP/Y2620/W/15/3132403).

We also note that the Heritage Statement has not been revised since our previous letter and we therefore continue to disagree with its conclusion, which says that the contribution of the development area to the setting of the monument is low and that the development would have a low impact upon its setting. The assessment of significance does not give sufficient weight to the contribution that the development area makes to the setting of the monument. The level of harm from the development would in our view be of a high magnitude.

Another comment that we made was in relation to the accumulation of harm. We continue to maintain that this is a considerable issue in relation to this application. Primarily, the development of Stratton Business park is underway, and we are aware that a new application for up to 230 houses has been discussed at the pre application stage (see *Proposed development of up to 230 home on Land to the east of Saxon Drive, Biggleswade*) on to the east of Kennel Farm. This application has therefore not considered the cumulative

impact of proposed development, nor has the applicant revised or updated the application in light these developments. The analysis that has been provided does not provide a fully representative series of views and does not adequately consider the cumulative impact of development on the setting of the monument. In our view this is a failing in relation to Paragraph 128 of the NPPF.

We are also concerned about the form of the development. Because of the watercourse to the south of the development area, the built elements are pushed to the north and are therefore on the most visible part of the site. We note that all the buildings on site are sizable but are concerned by large workshop buildings as well as the impact from the vehicles and trailers that would be parked here. The amount of buildings and hard standing proposed will significantly reduce the agricultural nature of the development, and mean that the intensity of development and the density of the built form is high. We do not consider that the site is suitable for the change of use for which it is intended. We also continue to raise concerns about the lack of detail in relation to the fencing and lighting and note that the application has not been clarified in this regard since our last letter. The use of the lighting would also be an issue and increase the impact of the development on the rural character of the area. The location and scale of the fencing, and the number and locations of lights still need to be clarified.

Please also note the issues we raised in the last letter with regards to the status of the Council's withdrawn Central Bedfordshire Gypsy and Traveller Local Plan. This process has never been satisfactorily resolved and in our view this site remains unsuitable for this purpose.

We therefore maintain our view that the development as proposed would have a harmful impact upon the significance of the monument through a development within its setting. No attempt has been made to moderate the scheme in relation to the clear impacts on the setting of the monument and we remain concerned that the development cannot be adequately screened, and that any screening in this landscape would obstruct the important views from the monument, and would be harmful in its own right, as well as adding to the harm from the development itself. In addition, the question around the lack of suitable land allocations and an adopted plan remain unresolved. It is also clear that the applicant has not given great weight to the conservation of the scheduled monument and its setting and has not provided a clear and convincing justification for the harm. We therefore consider that the harm to the significance of

the scheduled monument would outweigh the benefits of the proposed change of use and that the current application would fail the policies in paragraphs 132, 134 and 137 of the NPPF. We consider that this scheme can be delivered elsewhere without causing lasting harm to the significance of an important designated heritage asset and would urge the council to seek a less harmful solution.

Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 128, 132, 134 and 137. Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Flood Risk/Drainage

We consider that planning permission could be granted to the proposed development and the final design and maintenance arrangements for the surface water system agreed at the detailed design stage, if the following recommendations and subsequent planning conditions are secured.

- The discharge rate that you are working to needs to be stated. The calculations for 5l/s are consistent, however the calculations for the lower limit are confused.
- Final discharge rate and full set of micro drainage storage calculations should be sent to CBC SuDS officers with layout plans.
- If a 30% climate change allowance is used for storage, the site should be modelled to show all surface water within a 40% climate change allowance is contained on site (exceedance flows).
- Where the use of permeable surfacing is proposed, this should be designed in accordance with the 'CIRIA RP992 the SuDS Manual Update: Paper RP992/28: Design Assessment Checklists for Permeable/Porous Pavement'.
- The final detailed design including proposed standards of operation, construction, inclination, pipe diameters and numbers, structural integrity and ongoing maintenance must be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).

- The final detailed design drawing including, construction, inclination, pipe diameters and numbers, structural integrity and control features be submitted to and approved in writing by the Local Planning Authority.
- To ensure future homeowners and subsequent homeowners will be aware of any maintenance requirements / responsibilities for surface water drainage; further measures should be proposed by the applicant and may include, for example, information provided to the first purchaser of the property and also designation/registration of the SuDS so that it appears as a Land Charge for the property and as such is identified to subsequent purchasers of the property. Any methods involving designation or registering a Land Charge are to be agreed with the LPA.
- Please note that Land drainage Consent under the Land Drainage Act 1991 must be secured to discharge surface water and details of this provided with the full detailed design. An easement should be provided on the developable side of the watercourse to allow for access for maintenance, this should be 9m but may depend on the maintenance requirements considered appropriate.
- We expect confirmation of the proposed arrangements for maintenance to be provided with the final detailed design, including the future maintenance and operational needs and the responsible bodies for undertaking maintenance (for all public and private drainage components).
- We will expect that any components that require replacement and/or maintenance will be designed to be accessible without undue impact on the drainage system and adjacent structures or infrastructure.

Internal Drainage Board The principles of the Flood Risk Assessment are acceptable; however discharge rates will need to be agreed with the Board.

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 7 metres of the bank top, without the Board's prior consent, this includes any planting, fencing or other landscaping.

Pollution Team Had no comments to make.

Rights Of Way

No comments received.

Private Sector Housing

The officer cannot see an issue with the proposed development: while the location of the statics and tourers appear to be sensibly placed would ask that the planners add an informative to advise the sites owners that the distance between the statics should be at least 6m as per the model standards - same as that now made under the Travelling show persons own association guidance - and that the tourers should be a similar distance away from the statics and other tourers to ensure safe fire distances. The main buildings should not be a concern as they will be built of a more fire resistant material (assuming cladding etc).

The flooding and therefore the drainage will need to be in place as per the SUDS/highways requirements but this is likely to be same or better than PSH requirements for hard surface drainage and sustainable ground drainage.

Waste services

The Council's waste collection pattern for Biggleswade is as follows:

- Week 1 – 1 x 240 litre residual waste wheelie bin, 1 x 23 litre food waste caddy
- Week 2 – 1 x 240 litre recycling wheelie bin, 2 x reusable garden waste sacks, and 1 x 23 litre food waste caddy.

Please note that bins are chargeable for all properties and developers will be required to pay for all required bins prior to discharging the relevant condition. Our current costs for these are: £25 +VAT per 240l bin, and £5 +VAT per set of food waste bins.

Wherever possible, refuse collection vehicles will only use adopted highways. If an access road is to be used, it must be to adoptable standards suitable for the refuse vehicle to manoeuvre safely around site. Typically, until roads are adopted, bins are to be brought to the highway boundary or a pre-arranged point. If residents are required to pull their bins to the highway, a hard standing area needs to be provided. We would need to see a design layout showing where this point would be.

Other Representations:

Neighbours

64 letters have been received. Of these 61 are in objection or make comments raising the following issues.

- Scale of development too large and unsightly. Site is on an incline and visible from afar. No

justification provided as to whether the amount of storage proposed is actually required. Screening will not be immediately apparent and potentially only seasonal.

- Applicant has provided no evidence or substantive case for an open countryside location and it is therefore not justified.
- Access road is not suitable for such traffic. Track is a rough farm road and bridge unlikely to be suitable. No certainty that off site highway works will be completed.
- Increased traffic will bring congestion and safety issues.
- Biggleswade already stretched from growth. Town does not have the infrastructure to support the growth.
- Detrimental impact on surrounding landscape.
- Loss of agricultural land.
- Large visual impact as machinery is very high
- Overwhelming impact on Parkside, Stratton Park.
- Harm to amenity of neighbouring park home residents through noise impacts.
- Development would cause air pollution.
- Proposed home adjacent to this site will be affected by this scheme.
- Harm the ambience of the Green Wheel and will affect its usage and safety of use.
- Too close to the Scheduled Ancient Monument and would adversely affect the heritage of Biggleswade.
- Site is not designated for development in the Local Plan.
- Proposed landscaping will not afford privacy
- Site is partly within the flood plain and proposal will increase flood risk
- Ecology of the site has not been fully investigated and is of valuable importance for flora and fauna.
- Site does not have mains drainage
- Proposal does not meet the guidelines of Designing Gypsy and traveller sites, good practice guide.
- Questions whether the intended occupier are classified as travellers.
- No details of boundary treatments provided.
- Site is too close to the Dunton Lane G&T site.
- Industrial Park or a site near the A1 would make a better site for development.
- Why can't the existing site be extended?

3 letters of support are received raising the following points:

- Good idea to relocate to more suitable premises.
- Applicants have been residents in the community for years and current facilities are inadequate.

Issues of property values, development costs and legal covenants are noted as being significant concerns for objectors but these are not planning considerations and not addressed in this report as a result.

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. The Historic Environment
4. Neighbouring Amenity
5. Highway Considerations
6. Other Considerations

Considerations

1. Principle of Development

- 1.1 The site lies outside of any settlement, with Biggleswade to the west and southwest. In policy terms it is within the open countryside where there is a general presumption against the granting of planning permission for new development as set out by Policy DM4 of the Core Strategy and Development Management Policies Document (2009). It is noted that there are existing commercial buildings immediately east of the site and park homes to the southwest.
- 1.2 Planning Policy for Traveller Sites 2015 (PPTS) guidance sets out that Local Authorities should ensure that traveller sites are sustainable economically, socially and environmentally. The guidance requires that Local Planning Authorities carry out a full assessment of the need of Gypsies and Travellers, (including travelling showpeople) in their area and identify a supply of deliverable sites sufficient to provide 5 years worth of sites against their locally set targets.
- 1.3 Paragraph 25 of the PPTS sets out that if a local authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary consent.
- 1.4 Gypsy and Traveller Pitch Provision
A Central Bedfordshire-wide Gypsy and Traveller Plan (GTP) was prepared to deliver the pitch requirement for Central Bedfordshire to 2031 and was subject to public consultation following approval at full Council in February 2014. The Plan was later submitted to the Secretary of State in June 2014, however as noted earlier the Inspector raised a number of questions regarding the Plan and the Plan was later withdrawn. The Plan therefore carries very little weight in the determination of this application.

- 1.5 In preparation of the Plan the Council had a new Gypsy, Traveller and Showperson Accommodation Assessment (GTAA) undertaken, dated January 2014. This Assessment is considered to be up to date and highlights that there are a small number of unauthorised pitches, temporary consents, concealed households and people on waiting lists for the Council-run sites which are considered to represent the backlog of need within the area.
- 1.6 The need for Gypsy and Traveller pitches to 2031 is set out in the GTAA update and Full Council agreed on 30th January 2014 that the GTAA be endorsed and that the specific sites identified are taken forward to deliver 66 Gypsy and Traveller pitches.
- 1.7 While the current version of the GTAA identifies that Council has allocated sufficient sites to provide the required number of pitches to deliver a 5 year land supply the plan has been withdrawn and therefore the 5 year supply cannot be demonstrated. Nevertheless, pitches delivered through applications on existing sites or new unallocated sites would contribute to the number of windfall pitches provided.
- 1.8 Sustainability
The PPTS states, in para 14, that:

14. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

However, para 25 of that document also states that:

25. Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

- 1.9 The site is located within the open countryside but has a relationship with existing built form and Biggleswade itself to the east. It is therefore not considered to be isolated. The content of the PPTS seeks to ensure sites are sustainable in their location but also acknowledges that sites can be in rural locations. A 2015 appeal decision at Woodside, Hatch provides guidance into the location of sites and distances from services. It noted that there were sizeable settlements close by, explicitly listing Sandy (1.4 miles), Upper Caldecote (2 miles) and Northill (1.3 miles). This application site is closer to Biggleswade than that appeal site in Hatch and therefore it is considered that there should be no objection to the location of the site away from any established settlement in this location.
- 1.10 The site had been previously intended to be allocated under the Central Bedfordshire Gypsy and Traveller Local Plan however as stated this has been withdrawn and its former intention to be allocated should be given no weight in determining the individual merits of this application. However by the same token,

the fact that a site is not allocated is not reason to refuse an application. There is no substantive need for a site to be formally allocated to be found suitable for gypsy and traveller use. It is open to site owners and / or promoters, including members of the travelling community and the Council themselves, to bring forward sites as they become available and for the local planning authority to consider each proposal against established need following full and proper consultation.

1.11 The issue of need.

In an appeal decision at Twin Acres, Arlesey the Inspector noted:

"Although the Council prepared the Central Bedfordshire Gypsy and Traveller Local Plan, that plan has been withdrawn and there are no allocated sites."

This decision has previously been referred to in reports to this Committee. The Inspector went on to say:

"It is clear there is a significant unmet, immediate need for gypsy and traveller pitches" and again to say "As a matter of policy the absence of an up to date five year supply of deliverable sites is a significant material consideration in applications for temporary permission by virtue of paragraph 25 of the PPTS. However, this factor is capable of being a material consideration in any case and with another appeal ref APP/P0240/A/12/2179237, concerning a site within Central Bedfordshire, the Secretary of State concluded that the need for sites carried considerable weight and the failure of policy was also afforded significant weight. That must remain the case today."

- 1.12 Recent planning permissions and appeal decisions have granted consent for a number of additional pitches, including making permanent some temporary pitches. Current site provision in Central Bedfordshire is continually being reviewed through monitoring and site visits including the bi-annual caravan count. The Council has therefore commissioned a further GTAA, which will have a baseline updated to 2016 and a new 5 year supply period to 2021. It will necessarily reflect the provisions of the revised PPTS, including the new "planning" definition of gypsies and travellers which requires consideration of the extent to which their "nomadic habit of life" is continuing (Annex 1 para.2).

- 1.13 In the meanwhile, the Council accepts that whilst the immediate backlog may well now have been resolved, there remains an unmet, albeit currently imprecise, need going forward resulting in the lack of a 5 year supply of suitable accommodation to 2019. This application for 4 permanent travelling showpeople plots on a new, purpose designed, site would make a substantial contribution towards meeting the outstanding shortfall in supply to meet this need.

2. The effect on the character and appearance of the area

- 2.1 Currently the site lies outside of any recognised settlement envelope. It is visible from the public realm with views from the area around the site. The character of the site and views from the wider area will materially change as a result of this proposal although it is acknowledged that development is proposed against a backdrop of existing development and potential future residential growth to the west. The open nature of the site will be permanently lost. The access road is used by walkers but is not a public right of way. The Biggleswade green Wheel

crosses the access and a right of way runs north of the site. There are public realm views into and across the site.

2.2 When considering planning applications, paragraph 26 of the PTSS states:

26. When considering applications, local planning authorities should attach weight to the following matters:

- a. effective use of previously developed (brownfield), untidy or derelict land*
- b. sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*
- c. promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children*
- d. not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community*

2.3 Development of the site will alter the character and appearance of the area by intensifying activity and built form. Built form will be introduced onto the site in the form of 4 plots, each containing 2 mobile homes, 1 workshop and pitches for 4 caravans as well as associated hardstanding and amenity spaces. This built form will affect the character of the area and although some landscaping is proposed, elements of the site will be visible from the public realm such as the 7 metre high workshop buildings. The provision of the landscaping buffer also contributes to the impact on the character of the area however it is noted that there are open areas with visible buildings of varying scales in the immediate area.

The layouts of the plots are larger than those associated with solely residential pitches and the design reflects the advice of para 19 of the PPTS which states:

19. Local planning authorities should have regard to the need that travelling showpeople have for mixed-use yards to allow residential accommodation and space for storage of equipment.

2.4 The planting of landscape buffers would soften the impact of the development and accord with para 26 of the PTSS. The Case Officer did contact the agent to seek a greater landscape buffer to the south as there would be part of the site that would not be screened due to the plot hardstanding layout immediately abutting the Drainage Boards watercourse offset area and this would not allow for any landscaping and would leave the site with exposed views into the site and/or an enclosure. No response has been received from the agent at the time of drafting this report however it is considered that improved screening will soften the impact of the development and it is therefore necessary to make the scheme acceptable in planning terms. As a result a condition can be included requiring a revised layout to include further planting, this will affect the extent of hardstanding on the plots but will benefit the impact on the character of the area.

2.5 The area has a number of buildings that are visible from public realm areas, including the existing brick barn to the north, Stratton park business units and park homes to the east, park homes to the south and an existing barn to the west and therefore the development of the site would not sit isolated in the open countryside. Furthermore the land to the west of the site is proposed for

residential development which will lessen the detached character the site may be perceived to have from the settlement. The development, and in particular the workshop buildings will be visible from the public realm but it would not be a harmful impact given the nature of existing and proposed built form in this area.

- 2.6 On the basis of the considerations above the impact on the character and appearance of the area is considered to not be detrimental to the extent that it would warrant a refusal of planning permission when considered as part of the individual merits of the scheme.

3. Historic Environment

- 3.1 Objection has been raised by Historic England (HE) on the grounds that the development would detrimentally impact on the setting of the nearby Scheduled Ancient Monument (SAM) south of the site and its significance as a designated heritage asset as a result.
- 3.2 HE notes that the site, at its nearest point, is 13 metres from the edge of the SAM. This is noted however it is also noted that immediately north of the SAM is a run of established, permanent park homes which would sit between the application site and the majority of the SAM. The consented expansion of Stratton Business Park, known as Phase 5 will also introduce built form close to the SAM. Therefore while it is acknowledged that the development will have an impact on the setting of the SAM, the impact of this should be considered against the context of existing and consented development in this area. The presence of the park homes reduces the extent of impact of this development on the setting of the SAM.
- 3.3 Currently the site is open and the development would give an impact of enclosure when making a comparison to the existing. However the change to the character itself does not result in the conclusion of a harmful impact. In this instance the development will have an impact on the setting of the Scheduled Ancient Monument. Given the response to the objection from Historic England it is considered that the impact can be concluded as having 'less than significant harm' in the eyes of the NPPF. Under paragraph 134 of the NPPF the harm should be weighed against the public benefits of the proposal. In this instance the benefits of the provision of needed travelling show people accommodation in a location that is suitable for the lifestyle of its occupiers without being too far detached from local services demonstrate that the public benefits in this instance outweigh the 'less than substantial harm' caused to the setting of the monument. As a result it is considered that the proposal can be considered acceptable in respect of this impact.

4. Neighbouring amenity

- 4.1 The site is not adjacent to any existing residential properties but is close to a number of park homes to the south and east. The residential aspect of the scheme is not considered to raise any issues in respect of amenity impact through noise and disturbance or any loss of light. There is a visual impact from the development however this is not considered to be detrimental to an extent that it affect existing residential amenity.

- 4.2 The nature of Travelling Showpeople plots are such that occupiers will store and maintain their show equipment/rides at the plot. There will therefore be noise and activities associated with these activities. The Pollution Tem has considered the application and not raised such activities as an issue and therefore it is considered that any noise or other activities associated with maintenance would not be detrimentally harmful.
- 4.3 In respect of amenity for occupiers of the plots the pitches are considered to be generously sized and development is not cramped in this proposal. Each site has space for private amenity and the development is considered to provide suitable amenity for occupiers.

5. Highways Considerations

- 5.1 The first withdrawn application had highway concerns relating to access. Specifically there were concerns that the size of vehicles could not safely manoeuvre around the roundabout off Saxon Drive, particularly turning right when coming from the south. There were concerns that the length of access lane was significant and did not allow for two vehicles to pass. The lane is currently used as access to the allotments and be farm vehicles. Finally the previous application had not surveyed the bridge on the access lane to confirm that it could accommodate the weight of vehicles associated with travelling showpeople.
- 5.2 As the Highways Officer's comments state, this revised proposal has addressed these points. The roundabout is to be altered to provide technically appropriate space for vehicles to use the access. A passing place proposal is included which will let vehicles pull in while others pass. Finally the bridge has been surveyed and confirmed as being able to take the vehicle weights. On this basis it is considered that the access proposals are acceptable.
- 5.3 Access considerations have taken account the proposal to develop land to the west of this site for residential purposes although the recommendations on this report relate specifically to the individual merits of this scheme. In short the access proposal is considered acceptable regardless of other applications. If outline consent is granted on land to the east the access arrangements for this proposal will still be required as they are necessary to make this scheme acceptable in planning terms. Conditions are proposed to secure the access arrangements.

6. Other Considerations

6.1 Ecology

The comments are noted however the Ecologist has reviewed the scheme and raised no objections subject to works proposed in the submitted Ecological Appraisal being carried out as proposed. The works can be secured through condition.

6.2 Drainage/Flood risk

The site lies partly within the flood plain however no buildings are proposed within it. There is hardstanding areas proposed within the flood plain. The Lead Local Flood Authority and the Internal Drainage Board have been consulted on the application and neither raise objections to the scheme. Drainage proposals

will need formal approval prior to development commencing and conditions can secure these which take account of the comment raised by both consultees. Therefore it is considered that the site can be developed without adversely affecting drainage or increasing flood risk.

6.3 Biggleswade Green Wheel

Objection has been raised on the grounds of a harmful impact to this walking and cycling route around Biggleswade. The wheel route itself crosses the application site at the access to the roundabout only. The access can be provided and upgraded without compromising the route. FP34 runs to the north of the application site and is identified as a 'spoke link' that adjoins the main rim wheel. No part of the network crosses the site or runs adjacent to it other than at the access. The site will be visible from public rights of way and the impact on the character of the area is addressed in Section 2 of the considerations.

6.4 Loss of Agricultural Land

In terms of the loss of agricultural land, the land is graded as Grade 3 under the land classification system. The system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance. This is the land which is most flexible, productive and efficient. It is not clear whether the application site is Grade 3a or 3b, however in general grade 3 land is considered to be good to moderate in the scale and therefore the loss of the land would not result in removal of excellent or very good agricultural land. The loss of the agricultural land needs to be balanced against the benefits of providing the needed showpeople accommodation in an area that has been subject to existing and proposed growth of Biggleswade..

6.5 Status of Occupier

The comments from objections are noted. It is not the place for this application to draw conclusions of the status of the occupier however the recommendation to approve this proposal is conditional on it being occupied by Travelling Showpeople that accord with the set definition of the PPTS.

6.6 Human Rights/Equality

Based on the information submitted there are no known issues raised in the context of Human Rights/Equalities Act 2010 and as such there would be no relevant implications with this proposal.

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 The three caravans hereby approved shall not be used by any persons other than Travelling Showpeople as defined in Annex 1 of Planning Policy for Traveller Sites.

Reason: To ensure that the use of the site is restricted to Travelling Showpeople in accordance with Planning Policy for Traveller Sites and the National Planning Policy Framework and in recognition of the location of the site within the Green Belt and the 'very special circumstances' case accepted.

(Policy 36 D.S.C.B)

- 3 No vehicles or fairground equipment shall be stored or repaired at the site other than those belonging to the occupiers of each plot hereby approved on the site and such use of the site shall be restricted to the areas shown on approved plans as 'vehicle storage'.

Reason: To ensure that the use of the site is restricted to Travelling Showpeople accommodation, together with ancillary associated storage and repair only in the interests of residential amenity and traffic movements.

(Policy DM3 CSDMP).

- 4 No more than four caravans shall be stationed on any one plot hereby approved at any time.

Reason: To ensure the retention of planning control by the Local Planning Authority in recognition of the location of the site in the countryside in the interests of neighbouring amenity and traffic movements.

(Policy DM3 CSDMP).

- 5 **Notwithstanding the details in the approved plans no development shall take place until a revised 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 revised scheme shall include provision for screen soft landscaping on the boundaries of the site and timings of plantings show that all bare root planting is carried out during the dormant period between October and March. 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)

- 6 **No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk**

Assessment and Drainage Strategy (February 2016), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of attenuation for the 1 in 100 year event (+30% allowance for climate change) and a restriction in run-off rates to that outlined by the IDB. Any revisions to the agreed strategy shall be fully justified and approved before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Details of how the system will be constructed including any phasing of the scheme, and how it will be managed and maintained after completion will also be included. The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.

- 7 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.**

Reason : To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161 (Policy DM3 CSDMP)

- 8 No development shall take place until the alterations to the roundabout, replacement of the street furniture for the 'green wheel' inclusive of tactile paving and widening of the access inclusive of footways, temporary passing bay and permanent passing bay has been fully constructed in accordance with the approved drawing 17874-TRAV-5-SK001.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway, to ensure suitable access is provided for construction vehicles and site occupiers and to ensure development does not affect countryside access via the Green Wheel. (Policy DM3 CSDMP)

- 9 The vehicular access shall be surfaced in bituminous or other similar durable material (not loose aggregate) as may be approved in writing by the Local Planning Authority for a minimum distance of 25.0m into the site, measured from the highway boundary, before the premises are occupied.**

Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety
(Policy DM3 CSDMP)

- 10 Prior to occupation, the proposed development shall be carried out and completed in all respects in accordance with the siting and layout, and parking and turning provision illustrated on the approved drawing no. 29191/006/007 Revision B and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 2015, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.
(Policy DM3 CSDMP)

- 11 The 'temporary passing bay' hereby approved as shown on Drawing No. 17874-TRAV-5-SK001 shall be retained for use until such a time that the access lane has been widened and constructed to a suitable width as to accommodate a two way flow of vehicles.

Reason: To ensure vehicles can pass on the access road in the interests of highway safety and convenience.
(Policy DM3 CSDMP)

- 12 Development hereby approved shall be carried out in accordance with the proposed details contained in Kennel Farm, Biggleswade, Bedfordshire, Ref: 36566, Ecological Appraisal Dated: 3rd March 2016 as already submitted with the planning application and with details to be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved coming into use.

Reason: To ensure a net gain in biodiversity.
(Para 109 NPPF)

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Drawing Numbers 3079-1000, 2635/00_010 Rev F, 2635/00_015, 17874-TRAV-5-SK001, D2154 L.201 Rev A, 29191/006/008 Rev B, 29191/006/011.

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 Condition 8 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ

To fully discharge condition 8 the applicant should provide evidence to the Local Planning Authority that the construction is in accordance with the approved plan, before the development is brought into use.

The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Highways Help Desk tel: 0300 300 8049

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

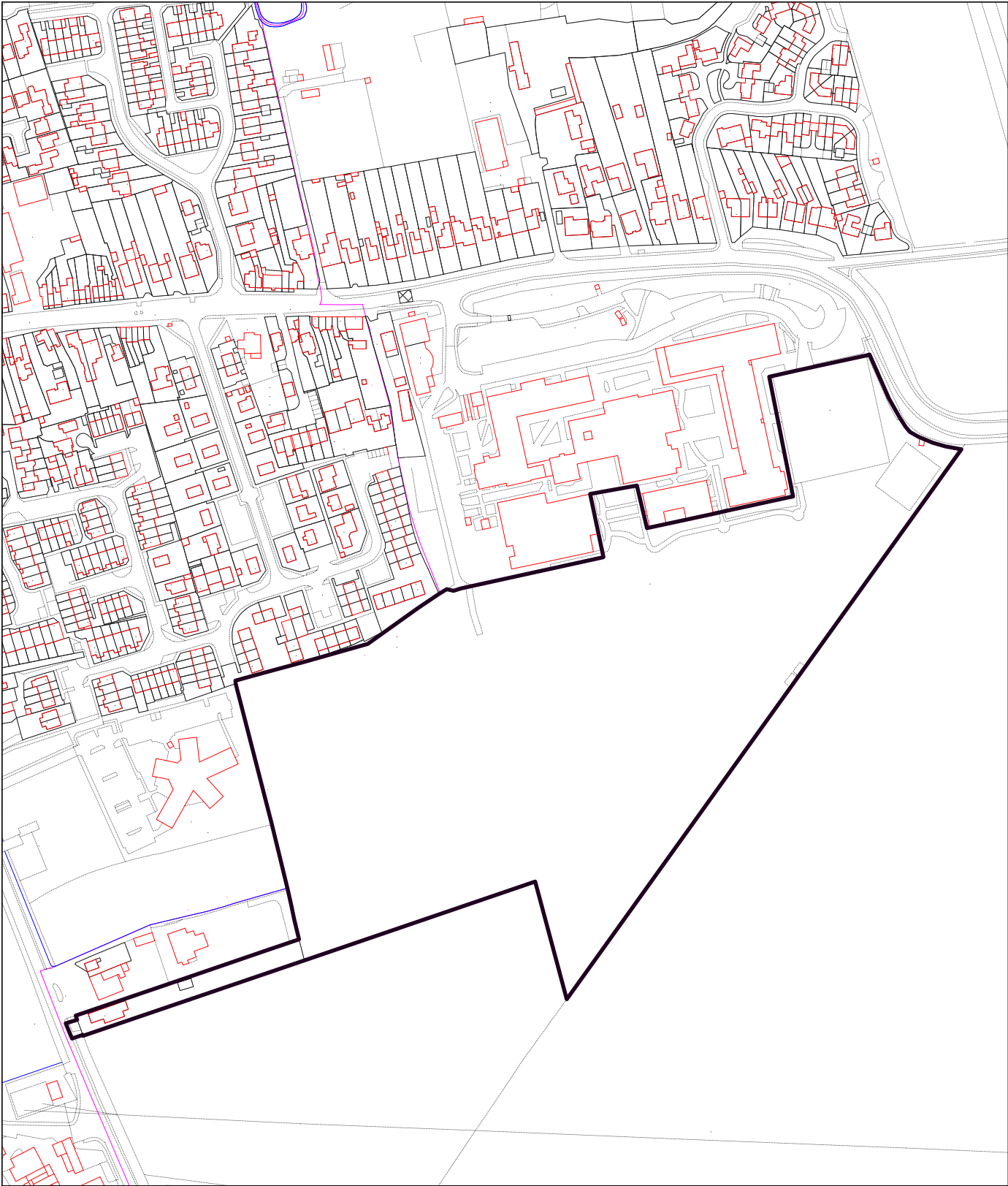
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

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.

DECISION

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|---|---|---------------------------------|
|  | © Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009) | Application No. CB/15/01657/OUT |
| | Date: 23:August:2017 | |
| | Map Sheet No | |
| Scale: 1:3500 | Samuel Whitbread Community College, Shefford Road, Clifton, Shefford, SG17 5QS | |

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|--------------------|
| Item No. 10 |
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| APPLICATION NUMBER | CB/15/01657/OUT |
| LOCATION | Samuel Whitbread Community College, Shefford Road, Clifton, Shefford, SG17 5QS |
| PROPOSAL | Outline Application: enhancement of sporting facilities including new '4G' floodlit pitch, tennis courts, improved grass pitches and new changing rooms. Construction of up to 64 new homes on land south west of the main school buildings and new access from Hitchin Road. |
| PARISH | Clifton |
| WARD | Arlesey |
| WARD COUNCILLORS | Cllrs Dalgarno, Shelvey & Wenham |
| CASE OFFICER | Alex Harrison |
| DATE REGISTERED | 19 May 2015 |
| EXPIRY DATE | 18 August 2015 |
| APPLICANT | Bedfordshire East Schools Trust |
| AGENT | Phillips Planning Services Limited |
| REASON FOR COMMITTEE TO DETERMINE | Change in 5 year housing land supply position. |
| RECOMMENDED DECISION | Parish Council objection to an application for major development |
| | Outline Application - Granted |

Reason for Recommendation:

The proposal for residential development is within the settlement envelope and results in the loss of school playing field and designated Important Open Space. However the applicant has demonstrated that the scheme is compliant with policy DM5 of the Core Strategy and Development Management Policies Document 2009 and has addressed replacement sporting provision concerns raised by Sport England. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be of such significance that it is demonstrably harmful when considered against the benefits of the scheme. The proposed sports and leisure development is considered to provide an enhanced facility at Samuel Whitbread Academy that would enhance leisure facilities in the area as it would be available for community use which is not apparent at present. The proposal would provide affordable housing and the whole scheme would make a contribution towards maintaining the Council's 5 year housing land supply as a deliverable site within the period. The proposal is also considered to be acceptable in terms of highway safety, providing that the new access is not used by school buses, and neighbouring amenity and therefore accords with Policies DM3, DM4 and DM5 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014) and the NPPF. These benefits are considered to add weight in favour of the development and therefore the proposal is considered to be acceptable.

Introduction

This application was resolved by Members to approve at the Development Management Committee meeting of 20 June 2016 subject to the completion of a S106 agreement which remains incomplete. On 18 April 2017 the Council published its quarterly housing monitoring statement which concluded that the Council is able to demonstrate a deliverable housing land supply in excess of 5 years (currently at 5.75 years). As a result the Council's housing supply policies are not considered to be out of date and the weight that is applied to schemes proposing housing development is affected. Prior to the April monitoring statement the Council was unable to demonstrate a deliverable 5 year housing land supply and therefore in accordance with the National Planning Policy Framework (NPPF) significant weight was given to the provision of housing through applications that would otherwise be contrary to the Council's policies that determine the supply of housing.

This was the case with this application and the Council's ability to now demonstrate a deliverable 5 year housing land supply means that the weighting and material considerations have materially changed. As a result the previous resolution to grant, through giving significant weight to the supply of housing, is out of date and inaccurate given the current position. Any applications resolved to approve on this basis that have not had a decision therefore need to be reviewed and re-determined against the current material considerations.

This report will therefore assess and make a recommendation on the individual merits of the scheme and any other material considerations to reflect the current housing land supply position.

Site Location:

The application site is the Samuel Whitbread Academy and the residential curtilage of 99 Hitchin Road, Clifton.

The school site is within the settlement envelope for Shefford although it is within Clifton Parish and Arlesey Ward. 99 Hitchin Road is outside of any settlement envelope and its curtilage is therefore considered to be located in open countryside. The majority of the school site is designated as Important Open Space.

99 Hitchin Road is a modern detached chalet bungalow serving as a single dwelling with existing access onto Hitchin Road.

The Application:

Outline planning permission is sought for the construction of up to 64 dwellings on the school site on land that is currently playing field and the reconfiguration of the remaining playing field to provide a floodlit 4G artificial playing pitch, tennis courts and new changing rooms. The proposed pitches and changing facilities would be available for community use as well as the school.

All matters are reserved aside from access which is proposed to be constructed following the demolition of 99 Hitchin Road and a priority junction created at the point the site joins that road.

The application is submitted including a number of indicative layouts but it is noted that access is the only matter for consideration over the whole of this scheme. Therefore layout of the pitches, while agreed with Sport England in principle, are not for formal determination with this application.

The application has been amended since its initial submission. The original proposal included taking the school bus traffic on the proposed access road, away from the existing Clifton Road entrance. However following concerns from Highway Officers this element was withdrawn from the application and the proposed access now serves the residential development and community use access only.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS5 Providing Homes

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings

DM10 Housing Mix

DM4 Development Within & Beyond the Settlement Envelopes

DM5 Important Open Space within Settlement Envelopes

CS14 High Quality Development

DM3 High Quality Development

CS7 Affordable Housing

CS2 Developer Contributions

Development Strategy

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Central Bedfordshire Sustainable Drainage Guidance (May 2015)

Relevant Planning History:

Application Number CB/10/00625/FULL

| | |
|---------------|---|
| Description | Full: Erection of new nursery building and office complex with associated car parking |
| Decision | Approve |
| Decision Date | 04/05/2010 |

Beyond this reference the site has a detailed planning history following initial construction of the school in 1974. Notable since initial construction are a number of applications for temporary classrooms, with a large expansion to the school granted in 2002, for the erection of a two storey detached classroom block with sports hall, the erection of a first floor extension and a two storey extension to the main school building.

Consultees:

Clifton Parish Council The Parish welcome the potential removal of many of the school buses that pass four times each school day through Clifton village and the subsequent safety benefits to the 'Travel to School Routes' of our parish pupils journeying to Clifton All Saints, Henlow Middle and indeed SWCC, that new access road onto Hitchin Lane could bring. It is however key that the bus companies be instructed to travel via the by-pass whenever possible.

We also realise that Parishioners would benefit from access to the new sporting facilities.

However as the safety of schoolchildren is our first priority, we object to this application on the basis of the lack of a safe turn around area for school buses once on the SWCC site.

The on site bus route as shown would necessitate school buses undertaking three-point turns at the drop off point. This is clearly unsafe. Whilst the agent has advised us that this issue is under discussion with CBC Highways department, we can only make our decisions on the plans as presented.

Perhaps the applicant might wish to re-submit a plan with;

- All bus access and egress via Hitchin Road
- A safe turning circle on the school site.

Following access amendments:

Strongly object to the proposal on two grounds:

- The safety of children travelling to SWCC and on foot to other local schools. Despite previous assurances from the agent that the key issue of ensuring all buses to and from SWCC use the new Hitchin lane road it seems this is not the case. There are over 100 double decker bus movements every school day around this site. Once again we are concerned that issues of self interest and

minor economies are taking precedence over the safety of children

Much work has been undertaken by Clifton Parish Council, CBC and SWCC to improve the road safety outside SWCC in the last year but the failure now of SWCC, the developer and CBC to define a safe and comprehensive onsite transport plan on a site with c2000 children, prior to submission of this application is of conservable concern. The application should be rejected on this alone. We know from experience that conditions count for little or nothing.

- The proposal seeks to significantly reduce the area of playing fields in this area at a time when new housing demand and building in both Shefford and Clifton are at unprecedented levels. SWCC and surrounding schools are also generally over subscribed. Set this against a backdrop of National Government concerns regarding growing obesity and the lack of exercise that children currently undertake, and again, this proposal does not make sense and is simply not sustainable.

Following access amendments:

Clifton Parish Council does not object to the changes to the proposed road junctions with Hitchin Road.

However there are concerns about the vagueness of the proposed routes for buses within the campus. There needs to be space for two buses to pass easily and this is not adequately demonstrated. This is important because any problems would inevitably lead to bus companies demanding to revert to the old access off Shefford Road.

Following further access amendments

The various schemes at this site were rooted on the premise that they would remove the twice a day School bus cavalcade through Clifton at a time when the village is becoming increasingly congested due to new development

The revised Planning Statement marked "updated April 2016" now states clearly under Introduction 1.2

"Bus Traffic would continue to utilise the existing site access" The various other documents are a muddle some saying that the new entrance off Hitchin Road is for buses other plans say not for buses.

Just what exactly is the situation? There seems to be an

indication that CBC officers agreed such a change. If this is the case then it seems likely that Clifton Parish Council will wish to reconsider its views on this matter. Please may we have urgent clarification?

[Requested clarification was provided to the Council on 10 May 2016 and no further comments have been received.]

Sheffield Town Council

Object on the following grounds:

- Unacceptable access to Hitchin Road
- Unsustainable, overcrowding of Plot
- Insufficient school places
- The Infrastructure will not support 64 houses.

Highways

Initial comments

There is no fundamental concern with the capacity of the proposed junction but there are issues with the general layout and information submitted;

- Fails to demonstrate access for 11.9m coaches at the proposed junction without conflict with other vehicles or encroachment in opposing carriageways (TN drawing 522-22)
- Fails to demonstrate access for 11.5m refuse vehicle at the proposed junction without conflict with other vehicles or encroachment in opposing carriageways (TN drawing 522-22)
- Why does the through lane on the southern most taper reduce to 2.0m (drawing 522-21 revision H)
- Tracking diagrams for vehicles accessing just the sports facilities have not been shown. Also parking and turning areas (for cars and team coaches) independent of the school area, as it is suggested in the technical notes that the school access will have a barrier outside of school times. Please note the parking arrangements differ on various plans (TN drawing 522-30)
- Need to clarify parking provision to demonstrate that peak demands can be met
- 3.0m wide footway/cycle linkage to Hitchin Road must extend up to SWA site (drawing no. 522-25)
- Please confirm acceptance of the need for Sec 106 contribution toward parking restrictions within the residential development (TN 3.28)

Following initial amendments

As you will be aware we still have concerns in respect of the access arrangements as submitted. We are exploring the suitability of removing the ghost island arrangement and reverting to a simple priority junction. To this end the

applicant's highway consultants are preparing a revised plan and obtaining a new Road Safety Audit.

Following final amendments

A revised planning statement has been submitted that summarises the application as follows:

- The enhancement of the schools sporting facilities to include the provision of a new floodlit all weather (4G) sports pitch, the provision of new tennis courts, the provision of enhanced and properly drained and levelled grass pitches and the provision of a new sports pavilion with changing facilities.
- The provision of a new access road from Hitchin Road and the development of a portion of the school grounds (approximately 2.4 hectares) to provide up to 64 new homes. Bus traffic would continue to utilise the existing site access on Shefford road

Following detailed discussion with Highways officers a revised TA has been submitted (April 2016) that cites that

- The proposed access off Hitchin road will not be used for school bus access as originally proposed – this will be conditioned as part of this outline application. Note that the proposed layout plan on page 21 of the TA is out of date as it indicates that the entrance off Hitchin road will be for schools buses and that the existing access off Shefford Road will have restricted access. This is now out of date.
- The design for the originally proposed site access has been amended to provide a standard priority junction.
- Access between the residential development and the school will be controlled by the school such that through traffic will not be permitted, including for school transport, – this will be secured as part of the reserved matters application upon receipt of the required Traffic Management Plan.

Hitchin Rd at the point of access is currently 40 mph, a 40 mph buffer zone having been recently installed at this location. The proposal would move the extent of the 30 limit to encompass the new access, relocating the existing gateway feature in the process.

The proposed junction would conform to Manual for Street guidance with acceptable levels of forward visibility and can be implemented within the existing highway boundary.

The access can be delivered in conjunction with the consented roundabout scheme to Shefford FC and an initial proposal to provide a right turning lane has now been discounted in favour of a priority junction only due to the fact that the proposal is no longer required to serve the school itself and more importantly school buses. The junction did not meet the required standard for one which would be used by a large number of large vehicles on a daily basis.

The proposed access is 5.5 metres wide with a 2 metre footway connecting to the existing on Hitchin Rd but which then crosses over the access to join a 3 metre shared footway/cycleway which continues into the Academy site. This is in line with discussions with the developer and considered acceptable by this authority.

A footpath will also link through the academy site to the Shefford Road, the proposal therefore enabling pedestrian and cycle access from the Hitchin road area of Shefford and beyond without necessitating a longer route round onto Shefford road. This also facilitates access to the more frequent public transport routes which operate along the Shefford Road.

In order to further facilitate access for pedestrians the residential development needs to link to Southfields which would also improve permeability and further facilitate access to the health centre, Shefford Road and Hitchin Road. The land at the end of Southfields is in the ownership of Central Bedfordshire Council and therefore access for pedestrians and cyclists is entirely practicable. A S106 contribution will be required.

The proposed junction has been modelled using industry standard software and an assessment of the number of trips generated by both the residential development and the proposed sports facility made the methodology for which the team does not make any objection. The application demonstrates that the proposed junction will operate well within its capacity.

Transport Strategy

Thank you for inviting the CBC Highways Integrated Delivery team to comment on the above application. Having worked with the school, parish council and local residents on highways issues for a considerable time we

have various comments to make about the outline planning application which has been submitted.

Shefford Road access for staff only

The proposal in the Transport Assessment outlines that once the redevelopment is complete that the Shefford Road access will be downgraded for use by staff only. This is inappropriate as this access is a clear desire line for a huge number of pupils accessing the site by foot and bicycle and also when dropped off by private car. This entrance to the school site has recently had a significant amount of highways improvements to make this area safe for high levels of vulnerable road users such as pedestrians and cyclists travelling to and from the school using this access.

The plans that have been submitted currently do not accommodate suitable facilities for the number of pedestrians or cyclists that would have to travel along Hitchin Road in order to access the school.

School buses serving the site

There are currently 19 buses (most of which are 88 seat double deckers), and taxis which use this site entrance and operate to and from the site at the start and end of the regular school day as well as a number of late bus services that use this access. The Shefford Road access to the school site has been purpose built for buses that arrive and depart at the same time of day and that cater for the number of passengers that they carry. The system for organising this has long been established and it is unsuitable to re-organise a working system for the number and type of buses that use this entrance to the school.

Again, the plans submitted do not accommodate suitable facilities for school bus use to the rear of the school site as proposed or at the new junction on Hitchin Road.

Based on this, it is viewed that it is inappropriate to limit access from Shefford Road to staff access only.

Pedestrian access and safety

The application lacks any detail as to how pedestrian safety and the impact of displaced pedestrian trips have been considered. It is difficult to assess what this might be without this detail included in the application. Owing to the fact that Samuel Whitbread Academy is the biggest pedestrian trip attractor in Clifton and second largest in Shefford information about how this group of road users will be catered for needs to be provided.

The framework travel plan (despite no mention in the Transport Assessment) sets out that there will be a high quality shared footway/cycleway alongside the new access road from Hitchin Road which is welcomed.

There is no mention in any of the documents submitted the likely number of pedestrians that will be transferred to access the school on Hitchin Road. If it is all of the pedestrians that currently use the Shefford Road entrance there will insufficient capacity of the footway to accommodate the demand on the Hitchin Road footway and improvements must be made to accommodate this increased demand.

The travel plan outlines that there is to be a footpath between the new residential site and Shefford Road but the Transport Assessment details that this would not be available to pupils or the general public as it is proposed that the Shefford Road access is to be for staff only. This would be particularly difficult to discourage pedestrian traffic from Shefford Road accessing the site.

Access for all pedestrians and cycling users from Shefford Road serves a useful purpose and should remain in place and actively promoted through travel plan measures.

Cyclist access and safety

There is a lack of detail as to how cyclists accessing the residential development and the school site (as proposed) will be catered for. There are significant concerns for vulnerable road users who would access the school from Hitchin Road. The safety requirements for these users need to be outlined in more detail and provided for.

CBC Transport Policy

Policies that relate to travel and transport to, from and between school sites were adopted as part of Central Bedfordshire's Local Transport Plan and included below are the policies which should be taken into consideration when developing the site.

Education

In response to the planning application at Samuel Whitbread Academy, an assessment of the current and proposed school site has indicated that the area will still be large enough to meet BB103 guidelines if this proposal goes ahead.

The development will have the educational benefit of enabling the development of new sports facilities at Samuel Whitbread, however, there is high demand for

school places in the area as a result of a growing local population and financial contributions will be required for early year, lower, middle and upper school places.

The academy should seek Section 77 approval for the disposal of playing fields from the Secretary of State before proceeding with any development on site.

Leisure Officer

With regard to the holding objection submitted by Sport England with regard to the application; in particular the loss and suitable replacement of grass pitches, the local need for, the design/layout of the proposed facilities and the community use agreements to permit access for the community.

Further detailed information is required to address the issues raised by Sport England in order to evaluate the application.

Sport England

Initially requested further information, issuing a holding objection.

Following amendments

Sport England raises no objection to this application as a statutory consultee, subject to a range of matters being addressed through a section 106 agreement and planning conditions if planning permission is forthcoming as set out in this response. If these matters are not addressed through a planning permission, our position would be an objection and the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 would apply

Public Protection

Initial response

I understand from the Planning Statement that the existing sports pitches are only used for the school itself during school hours and are not floodlit. In addition many of the school sports activities are undertaken off site due to the inadequacy of the existing facilities.

In contrast the proposed sports facilities will be for both school and community use and also used in partnership with Northampton Saints Rugby Club. The proposed 4G pitch will also be floodlit and this will also illuminate adjacent sports pitches for use all year round. The applicant has indicated an intention to open the new facilities for public use from either 6am or 7am - depending on demand- to 10pm every day of the week.

The proposal also includes a new access road to the school and sports facilities which appears to be adjacent to an existing house and garage premises located to the

west of the medical centre off Hitchin Road and also runs along the boundary of the proposed new dwellings.

In the summer months a cricket pitch and athletics track is proposed along the boundary with the new residential and in the winter football and rugby pitches will be provided in this location.

Lighting

I have considered the Abacus 4G Rugby Pitch lighting assessment and based on the information submitted I consider that lighting levels from the sports lighting at new and existing houses will be meet the ILP guidance notes for the reduction of obtrusive light standards except for the luminaire intensity after curfew. The horizontal light spillage chart shows no impact on residential.

The maximum vertical illumination is stated in the report as 0.11 lux which is lower that the E2 Environmental Zone (Rural) limits pre curfew of 5 lux and post curfew of 1 lux.

The maximum source intensity at residential is given as 3251 cd. This is less than the E2 pre curfew limit of 7500 cd but greater than the luminaire intensity post curfew of 500 cd. The curfew time is not stated but is the time after which stricter lighting controls should apply. In other guidance documents designed to safeguard residents amenity such as the World Health Organisations guidelines for noise and the now repealed PPG24 a restricted time of 2300 hrs to 0700 hrs was given as a time when the majority of people would wish to rest and sleep. Therefore the proposed development would not meet the ILP guidance standards between 0600 hrs and 0700 hrs each day.(It is assumed from the information provided that floodlights may be used in the mornings during wintertime.)

The applicant has not provided details of other lighting and therefore I assume that the car park extension, pavilion and other sporting facilities will not have external lighting.

In conclusion I consider that satisfactory lighting levels could be achieved by either modifying the lighting scheme to reduce the maximum source intensity at residential properties to less than 500 cd or limiting the hours of operation of the lighting to ensure that it is not used outside 0700 hrs to 2300 hrs. The applicant should verify with the lighting engineer if the post curfew level can be achieved at residential properties without compromising the levels required on the pitches.

Noise

The applicant has submitted a noise assessment dated 24th October 2014 by Sound Acoustics Ltd. I have considered the noise assessment and would like to make the following comments;

Sports Noise

The noise assessment states in its summary that the noise levels from the proposed sporting facilities will not be any higher than the existing houses will be exposed to. However the report is based upon measurements of noise levels at football pitches measured at two sites in the Ipswich area (Gainsborough Sports Centre and Holbrook Academy). I understand that multiple football matches were taking place at the time of measurement and the players ranged from under 10s to adults. The report author does not say what surface the pitches had or how many spectators attended both of which would potentially influence the noise levels as would the "importance" of the match or tournament.(E.g friendly or cup final etc) They have assumed this level applies to noise levels at source from the football (2)/rugby and 4G pitches. Noise from the summer layout of tennis courts/cricket pitch/athletics track/4G rugby pitch and football pitch does not appear to have been assessed separately.

The report gives the highest maximum noise levels outside 141 and 143 Southfield as around 65 to 70 dB. Allowing for a 10dB reduction through an open window. This level of 55- 60 dB would significantly exceed the World Health Organisations (WHO) Guidelines for community noise level of 45 dBA Max at night (Revised down by WHO in 2009 to 42dBA Max based on sleep disturbance research) This is a significant concern for both existing and proposed dwellings because it means that residents sleep in the late evenings and early mornings may be adversely affected by the proposed sports facilities. Although the report author says this is not considered to be any worse than levels from the existing sporting facilities as stated above the existing facilities are not used as frequently or for the same times and duration as those proposed. For example high maximum noise levels at 2130 hrs after children have gone to bed or at 0600 hrs in the morning or 0700 on a Sunday morning will have a much more significant impact than the noise same levels during normal school hours Monday to Friday.

The report author had not measured noise levels from the existing sporting facilities in use at the school for

comparative purposes. No background noise levels have been measured at the existing houses or at the location of the proposed houses. I would anticipate existing background noise levels to be low during the early mornings, evenings and weekends when the school is closed.

No noise mitigation measures are proposed for the existing houses. For the new houses acoustic screening is only advised if they are closer than 30m from the nearest pitch. A net fence rather than chain or timber is recommended for stray balls. This would not act as a noise barrier but would reduce potential impact noise from balls hitting the fence.

In conclusion I am concerned that increased sports noise would be detrimental to residential amenity of new and proposed dwellings, particularly in view of the intensive and extended use proposed and the applicant currently has no proposals to mitigate impact. Potential mitigation measures would include, amongst others, reducing hours of use, particularly early mornings; careful design of the layout of the new houses to minimise habitable rooms, particularly first floor bedrooms overlooking the sports facilities; acoustic barriers close to sports pitches or at residential boundaries.

Parking activity noise

The noise assessment has used noise data from a retail park car park rather than measuring noise from the existing parking facility and calculating the increase from the extension and increased use.

The Maximum noise level at southfields has been calculated as 59dBA (external) Allowing 10 dB reduction for an open window this would give an internal noise level of 49 dBA. This level exceeds the WHO guideline noise level (as amended) of 42dBA max by a significant margin. Based on the submitted information the car park would be used from 0600 to 2200 hrs and potentially a margin beyond that to allow people to arrive before facilities open and leave after the facilities shut. The applicant has not proposed any noise mitigation measures to minimise the impact of parking noise on existing properties.

Traffic noise

The noise assessment merely considers the impact of increased traffic on the surrounding road network. However the proposed development introduces a new access road into the school site and this appears to run pass one or possibly two (if garage has residential part) existing dwellings located off Hitchin Road and adjacent

to many of the proposed dwellings. The noise impact from this new access road has not been assessed.

Changing Pavilion

Noise from the use of the changing pavilion has not been considered but given its location and the lack of any large function room or catering facilities, meaning that large social events and music events are unlikely, I do not anticipate that any noise impact from this facility will be of significance.

In conclusion I am concerned that the noise impact from the proposed development has not been comprehensively assessed and that having considered the monitoring data provided maximum noise levels from the sports facilities and car parking will not meet the councils noise standards. Therefore based on the submitted information I would like to object to the proposed development.

Following amendments

I have considered the additional information from Sound Acoustics in Appendix 1 of the PPS Addendum dated September 2015 and would like to comment as follows;

Sports Noise

There is likely to be more sports noise from the use of an all weather pitch than a grass pitch because of the increased impact noises on the pitch surface and the ability to use the pitch for extended hours and in most types of weather. I understand the report relies on data from the use of 4 football matches on grass pitches. I understand from section 6.11 of the Planning Statement that Northampton Saints Rugby Club intend to use the facilities for training and summer coaching courses along with other community uses. The statement proposes that the facilities will be open from 6 or 7 am dependant on demand to 10pm every day with appropriate use during the school day. Therefore a robust assessment of the cumulative effect of all the pitches and facilities operating is required.

Noise impact at 141 and 143 Southfield and proposed residential

The WHO 2009 value for maximum noise levels at night is 42 dBA based on sleep disturbance research and this level has recently been accepted by a planning inspector at an appeal within the CBC district.

I agree that the WHO value for maximum noise levels at night is normally applied to the hours 2300 to 0700, however WHO additionally advise that;

The time base for LAeq for "daytime" and "night-time" is 16 h and 8 h, respectively. No separate time base is given for evenings alone, but typically, guideline value should be 5 –10 dB lower than for a 12 h daytime period. Other time bases are recommended for schools, preschools and playgrounds, depending on activity.

I accept that the WHO allow 15 dB for an open window, however other research and standards allow other values for open windows.

The level difference through an open window partially open for ventilation can vary significantly depending on the window type and the frequency content of the external noise. Therefore because the potentially affected houses at Southfield are existing CBC have assumed a value of 10 dB for an open window to ensure that residents are adequately protected from noise. In new properties the actual values can be used in calculations where the data is available.

Existing ambient and background noise levels

A comparison of the predicted noise levels from the proposed development to the existing background and ambient noise levels is a useful tool to assess the potential impact of the development. In my experience of investigating noise complaints over many years, where source noise levels are well below background noise levels complaints are unlikely. Conversely if the background level is low, the noise source might be below the WHO guideline values but still be significantly intrusive to residents, especially where the character of the noise attracts attention.

Parking Noise

As noted above the Planning Statement indicates that the facilities will be open from 0600 hrs to 2200 hrs every day and therefore the car park will be in use for this period and presumably a margin either side to allow customers to arrive for opening and leave after closing.

I have not been advised that the proposed hours have been revised. Therefore noise from car parking will exceed the 42 dBA Lmax level in existing properties at Southfields and no mitigation has been proposed.

Traffic Noise

I accept that there is some screening of the dwelling at Howes motors from the proposed entrance road and that noise attenuation measures could be incorporated into the new dwellings fronting the road.

In conclusion the additional information has failed to demonstrate that the proposed development will achieve acceptable noise levels at existing houses and therefore I wish to maintain my objection to the proposed development.

Sustainable Drainage

We consider that outline planning permission could be granted to the proposed development and the final design, sizing and maintenance of the surface water system agreed at the detailed design stage following an appropriate Surface Water Drainage Strategy and finalised Maintenance and Management Plan being submitted, I would therefore recommend conditions are applied as recommended below.

Reason for position

It is noted that the FRA submitted takes the form a desk top study which provides an overview of the site and recommended SuDS. At the detailed design stage it is expected that a comprehensive Surface Water Drainage Strategy outlining design, operation, construction and maintenance considerations for the proposed surface water management system be submitted.

The revised surface water drainage strategy should rectify discrepancies in the FRA as submitted at Outline. A 30% allowance for climate change should be applied, as the site proposes residential development, and the assumptions made in Appendix F should be revised accordingly. Comparison of the existing and proposed rates must be made, based on the ratio of impermeable to permeable area, with appropriate calculations and finalised method for the management of proposed flows to the pre-development rate given.

Appendix E shows the possibility of the drainage system connecting the existing ditch, if discharge is to an ordinary watercourse, evidence will need to be provided to ensure that the system can accept the proposed flows to an acceptable downstream point without increasing risk to others. Section 4.0 of the FRA acknowledges the need for more detailed site assessment and the applicant should demonstrate at the detailed stage the results of a site specific ground investigation, demonstrating the current drainage regime of the site suitability for infiltration based on soil types and geology, which should account for:

- The presence of constraints that must be considered prior to planning infiltration SuDS.
- The drainage potential of the ground.
- Potential for ground instability when water is

infiltrated.

- Potential for deterioration in groundwater quality as a result of infiltration.

Evidence of infiltration tests (i.e. BRE 365), particularly at the location of any intended infiltration device, and groundwater level monitoring is also required.

It is also advised that full use of the SuDS management train is made and the proposed sustainable principles will maximise the benefits of the proposed land use. It should be made clear therefore, where relevant, how the drainage system will integrate into the landscape or required publicly accessible open space, providing habitat and social enhancement.

Landscape Officer

I have strong concerns regarding the development of the site regarding coalescence of villages, reduction in effect of landscape spatial buffer especially the eastern portion / sports pitches areas and therefore I object to the proposals as described in this application.

The school site forms the eastern development edge of Shefford separated from Clifton's western development edge by @ 100ms along Shefford Road, the landscape - 'green gap' - between resists coalescence of the two settlements at this point.

The Mid Beds Landscape Character Assessment specifically comments on the potential for Shefford and Clifton to form a continual settlement and recommends the need to retain individual villages, avoiding merging (Mid Beds LCA 4C Upper Ivel Clay Valley).

Whilst playing fields / sports pitches are often located on the edge of settlements, acting in part as green buffers between development and wider landscape, such facilities can present an urban fringe image via posts, fencing, car parks and signage, etc.

Lighting of sports pitches can accentuate further the visual impact and influence of urban development at dusk / night time and during winter months.

My Pre App advice included ' *If the application were to be progressed landscape mitigation would be required along the eastern / southeastern site boundaries as a treed shelter belts of a scale to accommodate native tress which would mature to form an effective screen. The Clifton local Parish Green Infrastructure Plan describes community aspirations for GI including creating a woodland corridor between the school site / Knoll's Farm*

and to the north, it may be opportune to consider landscape mitigation of the pitches with this aspiration.'

The proposed inclusion of a lit rugby practice area along the south eastern site boundary is not acceptable; lightning can have a seriously urbanising effect especially against darker skies at rural edges and can result in detrimental visual impact especially at night time and in winter months.

The outline application shows no landscape mitigation along the south eastern boundary edge - and shows little opportunity for a wooded edge given the proposed layout of pitches and practice areas. This is not acceptable in terms of landscape character, visual impact and effect of coalescence of villages

The proposed residential development area also raises concern regarding proposed design of access, landscape layout to the existing urban edges and rural edges along with concerns relating to layout and internal landscaping within the proposed residential development:

- The design and character of the junction on Hitchin Road requires further exploration regarding visibility splays and possible removal of hedgerow, along with highway design and signs / lighting and need for review of in terms of urbanising influence along this low key rural approach.
- The design and quality of landscape, boundary treatment and general environment within the access road to the residential development needs to be explained further via sections given the very narrow linear access shown.
- The proposals extend development beyond the existing settlement boundary and into open countryside; the proposed landscape mitigation to development edges with open countryside require a more substantial landscaped 'treed' boundary treatment to screen development, reduce visual impact, contain physical intrusions in to countryside and protect visual coalescence effect of development.
- The development interface with the existing urban edges to the north and west are shown including a treed edge - it is essential that any new landscape / treed edge is maintained within the public realm to ensure longevity - the orientation of development as shown in the suggested site layout would need to be revised orientating landscaped edges and development frontages within the public realm to make this aspect of the proposed development acceptable.

- The lack of public space within the residential area is of concern along with the limited number of trees within POS / public realm ; a local green area would be required to provide a communal public open space and opportunity for planting of trees of species and type which can mature to a size of significance influence / coalescence effect of development. Where children will play is not clear - it appears the residential site offers informal recreation opportunity for existing residents - but it is not clear where recreation opportunities for existing residents will be transferred to ?
- The proposed 'SuDS' appear reliant on piping water to attenuation basins - piping of surface water is not acceptable in terms of landscape and appropriate integration of sustainable drainage; if the application were to be progressed SuDS would need to be linked to landscape features within the development including bio retention areas ('rain water gardens') filter strips and swales combined with hard SuDS including permeable paving and linked to attenuation areas which include a subtle change in levels and integrated within the overall site landscape design.

I note the application refers to levelling of and drainage of sports pitches - further information is required on regrading and opportunity to link to SuDS to pitches if the application is progressed.

Following amendments

I reiterate my comments made previously regarding landscape mitigation:

Significant landscape / planting mitigation will be required to the south / south eastern site boundaries to the playing fields.

Design and character of accesses associated with residential development will require careful design.

The design and quality of landscape to the site boundaries and within the proposed residential development / general environment will need to ensure effective integration of development within the landscape setting and quality design.

Ecologist

I have looked at the submitted documents and note that this is an outline application. I commented on the earlier pre-application for sports pitches and there are some differences between that and the current application. The 2014 Ecology report identifies the southern boundary hedgerow and associated scattered broadleaved trees as

likely to support nesting birds and really as the main feature of ecological interest on the school site. As such I am keen to ensure that this corridor is retained, buffered and enhanced. I am concerned that the pitch orientation has altered from the preapp, resulting in the 4G pitch lying immediately adjacent to this hedge. Indeed the floodlighting plan appears to show lighting columns in the hedge.

The light spillage diagram shows maximum lit impact completely engulfing the hedge and this level of impact is not acceptable. I understand there are issues with fitting a full size pitch into the site but given the desire for floodlighting I am not satisfied that this layout will ensure minimum impact to the biodiversity of the site and surrounding area and would urge reconsideration to positioning closer to the school and the road where there is existing lighting impacts. Ideally all trees should be retained and this corridor enhanced with a minimum 8m buffer from development.

The ecology report also notes the likelihood of bats using the area for foraging and recommends in 8.6 that a bat transect survey is undertaken. Such a survey should be a condition of any outline planning permission so result as able to inform reserved matters for layout to minimise impacts.

With regards to the housing proposal which is also outline I would wish to see the inclusion of integrated bat and bird bricks in line with NPPF requirements for development to deliver a net gain for biodiversity. Further opportunities for enhancement, for example through the use of native, wildlife friendly plants in landscaping schemes, are detailed in the CBC Design Guide.

I am also concerned over Option 1 and 2 for the justification of the loss of playing field space - utilising an area of land adjacent to Etonbury Academy. This would not be an appropriate use for this piece of land which in itself is to act as an important buffer to a biodiversity rich site so I would object to it being a viable option for increased pitch provision.

Following amendments

I have looked at the amended plans and welcome the new position of the 4G pitch which means that it, and it's associated floodlighting has far less of an impact on the hedgerow corridors of the site. As such I no longer have an issue with this aspect of the application.

However, as the supporting information remains unchanged I still have concerns over paragraph 6.62 in the planning statement which discusses justification of the loss of playing field space - utilising an area of land adjacent to Etonbury Academy. This would not be an appropriate use for this piece of land which in itself is to act as an important buffer to a biodiversity rich site so I would object to it being a viable option for increased pitch provision.

With regards to the housing proposal which is also outline I would wish to see the inclusion of integrated bat and bird bricks in line with NPPF requirements for development to deliver a net gain for biodiversity. Further opportunities for enhancement, for example through the use of native, wildlife friendly plants in landscaping schemes, are detailed in the CBC Design Guide.

Green Infrastructure

No consideration appears to have been given to the Green Infrastructure policies, or the guidance within the Design Guide in relation to green infrastructure.

The design and layout does not demonstrate an integrated approach to designing access, open space, ecological mitigation / enhancement and landscaping in order to deliver green infrastructure benefits. As such, the proposal is unacceptable.

Although the assessment of the SuDS from a flood risk perspective indicates the scheme is acceptable, the design of the SuDS scheme does not meet policy requirements. The Drainage Strategy indicates that infiltration drainage is possible, but the Flood Risk assessment shows that infiltration testing has not taken place. The design of a SuDS scheme without this basic verification is questionable.

The proposed drainage scheme relies on piped conveyance and underground storage tanks taking water to shallow swales on the edge of the site. Whilst the use of swales is welcome, the primary conveyance and storage in pipes and tanks is unacceptable, and contrary to CBC's adopted SuDS Guidance.

The use of underground storage and conveyance, and the location of the swales on the edge of the site regrettably minimise the potential benefits the SuDS scheme could deliver for green infrastructure benefits. The SuDS should be designed as an integral part of the development, not hidden underground or at the edges of the site. They should be designed to complement areas of public open space, and to complement landscaping

and biodiversity proposals. There is no evidence of this joined up approach to design, and the result is unacceptable.

Following amendments

The applicant's suggestion that a condition requiring future reserved matters submissions demonstrates a sustainable drainage system as part of an integrated strategy for the site's open space and ecological enhancement, demonstrating compliance with CBC's adopted sustainable drainage SPD would be acceptable.

This condition, suggested by the applicant, would be in addition to conditions on sustainable drainage required by colleagues in the Flood Risk team.

Internal Drainage Board Had no comments to make.

Sustainable Growth Policy DM1 requires all new development of more than
Officer 10 dwellings to meet 10% energy demand from
renewable or low carbon sources. The proposed
development is above the policy threshold and therefore
all dwellings should have 10% of their energy demand
sources from renewable or low carbon sources.

Policy DM2 requires all new residential development to meet CfSH Level 3. The energy standard of the CfSH Level 3 is below standard required by the Part L2013 of the Building Regulations. All new development should therefore as minimum comply with the new Part L2013 of Building Regulations and deliver 10% of their energy demand from renewable sources.

In terms of water efficiency, the development should achieve 110 litres per person per day (105 litres for internal water usage and 5 litres for external water usage). It is proposed that this standard will be met through installation of water efficient fittings such as low flow taps and dual flush toilets. I would also encourage the applicant to fit all houses with water butts.

The above policy requirements have been acknowledged by the applicants, however to ensure that the policy requirements are met I would like the following conditions to be attached:

- 10% energy demand of the development to be delivered from renewable or low carbon sources;
- Water efficiency to achieve water standard of 110 litres (including 5 litres for external use) per person per day.

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| Housing Officer | Development | I would expect to see 35% affordable housing or 23 affordable homes of mixed tenures of 63% Affordable Rent and 37% Intermediate Tenure as per the Strategic Housing Market Assessment, this equates to 15 units for Affordable Rent and 8 units of Intermediate Tenure/Shared Ownership. I would like to see the units dispersed (pepper-potted) throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect all units to meet at the very minimum meet all HCA design and quality standards. If these comments are taken on board, I would support this application |
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Other Representations:

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| Neighbours | 44 letters have been received. 3 parties object to the application, 7 making comments and 34 in favour. Additionally there have been in excess of 120 letters of support from students of the Samuel Whitbread school. 1 petition in favour of the application has been received. |
|------------|---|

The letters of objection have been received from the occupier of 100 Glebe Road, 39 Hitchin Road and the owner and consultant representing him as adjacent landowner. The following panning objections are raised:

- Housing development should not be built on playing fields as children do not get enough exercise.
- Pollution to students during construction and from resident's cars.
- Land adjacent to the application site could be used as replacement playing field.
- The proposed access junction is narrow and affects the agricultural access for the adjacent field.
- Access should be gained as an arm from the approved roundabout location further south on Hitchin Road.
- Increase in traffic on Hitchin Road.
- More information is required as to how traffic on Clifton Road would be controlled.

In terms of the letters of support the following comments were made:

- support for the proposed leisure development and its community use element.
- support of the new residential development.

Determining Issues:

The main considerations of the application are;

1. Principle

2. Affect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

Considerations

1. Principle of development

- 1.1 At the time of writing the Council is able to demonstrate a five year supply of housing land in excess of the 5 year requirement. Therefore the Council's policies concerned with the supply of housing are not considered to be out of date and can command significant weight when considering such proposals. Proposals should still be considered in the context of the presumption in favour of sustainable development.
- 1.2 However the application site in terms of the location of the proposed housing is located within the settlement envelope for Shefford. Shefford is designated as a minor service centre within which housing development is considered to be acceptable in principle. The access to the residential scheme is located within the open countryside. However the access area is within an existing residential curtilage and the site of the demolished dwelling would be regarded as previously developed land although the garden would not be classified as such. Therefore the proposal will include development in the open countryside. Its location is such that it is not isolated and the access road would not be prominent. The provision of housing should be regarded as a benefit of the scheme and independent access is required to achieve this. On balance the impact on the open countryside is considered to be negligible and the scheme is therefore considered to be acceptable in respect of Core Strategy DM4 given that the Council is able to give some weight to this policy as a consideration.
- 1.3 However consideration has to be given to the fact that the site is designated as important open space. Core Strategy DM5 states that redevelopment of an important open space would only be acceptable where proposals would result in enhanced provision in functional terms, where there are exceptional circumstances resulting in overall community benefit and there would be no adverse impact on the visual quality of the settlement.
- 1.4 The applicant has provided an argument to take account of this policy restriction. In terms of enhanced provision the provision of a 4G pitch, changing rooms and improved sports provision on the remaining school can be considered in a positive light. It should also be noted that currently, in spite of its designation the land is not accessible to members of the public. The scheme includes a proposal to make the 4G pitch and changing rooms independently accessible from the school and available for community use. Therefore the accessibility of the open space would be increased which is considered to be an enhancement and provide exceptional circumstances resulting in overall community benefit .
- 1.5 In terms of the visual quality of the settlement the development of the site would result in increasing the built form towards the open countryside. The important open space designation would act as a green buffer within the

settlement envelope and the redevelopment of the land would remove this. However when balanced against the sustainable location within the settlement envelope, the need for housing and the leisure enhancements of this proposal loss of the green buffer is not considered to be significant. The provision of more housing would sit comfortably in this area and would not, in principle, be out of character to a harmful extent. As a result the proposal is not considered to be contrary to policy DM5.

1.6 Loss of playing field/pitches

Although Policy DM5 is considered to be addressed, compliance with this policy does not address the loss of playing field and pitches. Sport England require compensatory provision within the area and initially issued a holding objection, advising that if the objection was not addressed any resolution to approve the application would have to be referred to DCLG. Following the objection the applicant undertook feasibility studies at 14 sites in and around Shefford for replacement provision which returned little potential for direct replacement. As a result the following off-site replacement playing field package has been agreed:

- The installation of a piped drainage system and associated improvements to part (the upper pitch) of Shefford Sports Club's playing field (Hitchin Road) to improve the carrying capacity and quality of the pitches. This would address the existing deficiencies of the playing field and help meet Shefford Saints FC's shortage of playing pitches.
- The provision of a new playing field adjoining Robert Bloomfield Academy's existing playing field that would be suitable for accommodating a 9v9 junior football pitch (approximately 0.5 hectares of new provision)
- The installation of a piped drainage system and associated improvements to the lower playing field area at Robert Bloomfield Academy to improve the carrying capacity and quality of the pitches. This would address the existing deficiencies of the playing field for the Academy and help address Shefford Saints FC's shortage of playing pitches.
- The provision of a new playing field adjoining the planned artificial grass pitch at Etonbury Academy in Stotfold. This would consist of an area suitable for accommodating a senior football pitch (approximately 0.75 ha) and would principally help meet Etonbury Academy's future needs although it could be used for meeting future community football pitch needs in the Stotfold area if they arise.

1.7 Subject to the obligation of these commitments within a S106 agreement and other conditions, Sport England raises no objection to the application and therefore the loss of playing fields and sports pitches as a result of the residential development, and the Parish Council concerns are considered to be addressed.

1.8 Affordable housing

The proposal would provide 35% Affordable Housing in accordance with Policy CS7. Of the affordable homes proposed, 63% would be for affordable rent and 37% intermediate tenure secured via a S106 Agreement. The proposal is therefore considered acceptable in this respect.

1.9 Education

It is acknowledged that Shefford and Clifton are under significant strain in terms of education, particularly lower school places. Land has been secured through the previously allowed appeal CB/14/01726/OUT at Campton Road Shefford for the expansion of Shefford Lower school and there would be capacity created as a result. The Education Officer has requested financial contributions for education projects within the catchment area and these can be secured by S106 agreement.

- 1.10 In this case, the additional housing in a sustainable location, the provision of the affordable housing units and enhanced leisure provision would be benefits of the scheme and this would outweigh any adverse affects from the development. The proposal is therefore acceptable in principle as it would meet the sustainable development tests as set out in the NPPF.

2. Affect on the Character and Appearance of the Area

- 2.1 With regards to the residential scheme, detailed design considerations will be left for any subsequent reserved matters layout. An indicative layout was submitted with the application which shows a development of mixed dwelling types within the site. Little weight is given to this layout with this outline application but it does indicate that the site could accommodate the quantum of development proposed. Any reserved matters proposed would expect to provide a high quality development that is designed in accordance with the Council's adopted design guide and this would likely affect the indicative layout as garden and parking standards are taken account of. There is flexibility on the site to produce a high quality development as the application is for up to 64 dwellings, therefore allowing the flexibility to propose less if needed to make the design acceptable in planning terms.
- 2.2 Views from the open countryside to the site from can be mitigated against with the inclusion of strong landscaping on the southern boundary of the residential scheme. This would reduce the impact on the character of the area and can be secured through condition. The concerns from the Landscape Officer are noted however, while it is acknowledged that there would be a permanent impact on the character of the area and the landscaped, it is considered to be acceptable in this instance.
- 2.3 In respect of the leisure proposal the pitch development and changing rooms would sit close to the existing school buildings and would establish a visual relationship with the existing facility. As such this aspect of the development proposal would not look out of character and would not harm the character of the area as a result.
- 2.4 On the basis of the considerations made above the scheme is considered to not harm the character and appearance of the area when considering the principle of developing the site for residential purposes. Furthermore the indicative layout suggests that a development of 64 units on the site could be accommodated without having a harmful impact on the character and appearance of the area and the proposal is therefore considered acceptable in light of the policies of the NPPF and policy DM3 of the Core Strategy and Development Management Policies 2009.

3. Neighbouring Amenity

- 3.1 With regards to the residential scheme the northern boundary of this part of the site sits adjacent to existing residential properties on Southfields. The existing dwellings are a mix of bungalows and two storey buildings containing flats. There will be a visual impact on these properties and while the countryside view will be lost the development is not considered to result in an overbearing or overly prominent impact on these properties and is therefore acceptable in principle.
- 3.2 Detailed design considerations are a reserved matter and this makes it difficult to ascertain specific impacts on neighbouring properties. It is considered that any subsequent reserved matters application would design a scheme that takes account of neighbouring properties to ensure there would be no harmful impact to existing residents. Taking account of the indicative layout submitted it is considered that a scheme could be achieved in principle that would not have a detrimental impact on neighbouring amenity.
- 3.3 The Pollution Officer has raised objections on the grounds that the scheme does not protect existing dwellings from noise impacts from the development. The concerns are noted however it is considered that they can be addressed by condition. In terms of impacts on the proposed dwellings, suitable noise mitigation measures can be conditioned to ensure that there would be no harm from noise impact. This can also be the case for existing dwellings on Southfield as attenuation measures such as acoustic fencing on the boundary of the site could be considered here. The concerns regarding parking noise are noted however the proposed community use car park is away from boundaries with residential properties, centrally located on the school site and not considered to be in a location that would give rise to significant noise impacts. The impact from vehicle movements are noted however it is considered that this would also not be significant and can be addressed through mitigation measures secured by condition.
- 3.4 In terms of providing suitable level of amenity for potential occupiers, any detailed scheme would be expected to be designed in accordance with the Council's adopted Design Guide and this guide includes recommendations to ensure suitable amenity levels are provided. Therefore it is considered that the adopted policy can ensure that a suitable level of amenity could be provided for new residents.
- 3.5 In terms of the Leisure use the location of this part of the proposal is considered to be a suitable distance from both existing and proposed residents to ensure there would be no harmful noise or disturbance. Floodlighting and hours of use can be secured by condition to ensure there is no harmful impact in this respect. The proposed access to the community use element is by using the residential access which would take traffic past the proposed housing estate. The layout is such that it is considered that there would be no harm in this respect.

4. Highway Considerations

- 4.1 The highway considerations have been subject to amendment with this application. Upon initial submission the proposal showed the access arrangement as is proposed now however the intention was to have this access

be used as a new entrance to the school for pupils and buses, moving the existing traffic from Clifton Road. However the nature of the access was such that it was not adequate to accommodate bus movements and the applicant has not been able to amend the arrangement to be able to safely accommodate these vehicles. As a result it was not possible to support the bus arrangement in planning terms and the applicant subsequently removed that aspect from the scheme.

- 4.2 The amended access proposal sees the new access from Hitchin Road serve the proposed dwellings and the community use of the sport pitch only. As a result the priority junction arrangement onto Hitchin Road is considered acceptable, but only on the basis that it does not take school bus traffic. Therefore it would be necessary to ensure that the detailed design includes measures to prohibit buses using the access. The access is located outside of the 30mph restriction within Shefford and therefore, in the interests of safety the applicant will be required to finance the relocation of the speed limit signs so that the 30mph restriction includes the proposal.
- 4.3 It is noted that the Parish Council were expecting the scheme to address existing traffic problems associated with the school on Clifton Road, however the limitations of the access proposal means that it cannot be safely achieved in planning terms. In respect of this application the proposal is not required, on its own merits, to address existing traffic situations at the school itself. The nature of this application is such that it is not likely to exacerbate any existing situation and therefore no objection can be raised in this respect. The applicant has stated an intention to leave a strip of land around the access undeveloped which can be safeguarded for if a suitable access arrangement is brought forward in the future. This would be subject to consideration at reserved matters stage and could be secured if it did not compromise the quality of development proposed here. However it should be noted that any access alterations in the future are likely to require planning permission and would result in the need to submit a new application for consideration.
- 4.4 In terms of parking the residential scheme will be required to meet the design guide parking standards for both residents and visitors but this is a design detail that would be considered at reserved matters stage.
- 4.5 In terms of integrating with the existing settlement the application proposes the provision of a walkway at the northern part of the site past the school car park, leading to Clifton Road. This is a positive aspect of the scheme and provides an alternative footway route other than Hitchin Road. However there are opportunities to enhance this connectivity. In the interests of increasing the connectivity of the site to the existing settlement the applicant will be required to facilitate a footway connection from the residential development to Southfields.
- 4.6 As a result there are no objections on the grounds of highway safety and convenience.

5. Other Considerations

5.1 Community use

Sport England were consulted on the application and a number of sports pitch

layout amendments were made as a result. Sport England raise no objections to the proposed 4G pitch but have requested its community use be secured through an agreement which is conditional upon granting of permission. This is considered reasonable as it will confirm hours of operations, management procedures and access arrangements among other things.

5.2 Drainage

In terms of drainage, if a scheme were considered acceptable in principle it would be subject to ensuring details of suitable drainage systems are proposed and in place to accommodate drainage impacts. The application included details of sustainable urban drainage proposals and there are no objections to this in principle. It is necessary to condition the approval of drainage details on the outline consent to ensure the specific of a scheme are acceptable in accordance with the Council's adopted sustainable Drainage SPD and to ensure appropriate management and maintenance is secured.

5.3 Ecology

The Ecologist continues to have concerns over the potential use of land adjacent to a different school, Etonbury Academy, to be used as an area for increased pitch provision. The pitch provision at Etonbury is part of a number of measures required to address the loss of playing field and sports pitches that occur as a result of the proposed residential development. It is necessary to make the scheme acceptable in planning terms. While the impact on ecology value is noted and not ideal the benefits of the scheme are considered to outweigh this impact and therefore on balance there is not considered to be significant and demonstrable harm to biodiversity as a result of this proposal.

5.4 S106 agreement

Spending Officers were consulted and comments returned from Education and Leisure. In addition, comments were received from NHS England as well. The following contributions are requested and shall form heads of terms for the legal agreement that would be required if Members resolve to grant consent.

Education:

Early Years – £44,244.48

Lower school - £147,481.60

Middle School - £148,402.18

Upper School - £181,980.36

To aid Highway Safety in the area an obligation will be sought for the relocation of the 30mph speed limit signs.

To help with the connectivity of the site and its relationship to the existing town an obligation will be sought to provide a footway link from the site to Southfields to the north.

Sport and leisure requirements.

In accordance with the comments from Sport England the S016 will need to include obligations on the developer to

- Pay a commuted sum of £78,657 for drainage works and maintenance costs towards pitch improvements at nearby Shefford Sports Club.
- Approval of details for construction specifications for playing field works at Robert Bloomfield Academy with provision in the obligations for the delivery of the works, the delivery of an annual long term maintenance

programme and a new or revised community use agreement.

- Approval of details for construction specifications for playing field works at Etonbury Academy with provision in the obligations for the delivery of the works, the delivery of an annual long term maintenance programme and a new or revised community use agreement.
- Appropriate triggers for the delivery of the leisure facilities proposed in this application.
- Community use and facility management of the proposed facilities and playing field maintenance.

5.5 Humans Rights/Equalities

Based on the information submitted there are no known issues raised in the context of Human Rights/Equalities Act 2010 and as such there would be no relevant implications with this proposal.

Recommendation:

That Outline Planning Permission be granted subject to the completion of a section 106 agreement and the following:

RECOMMENDED CONDITIONS / REASONS

- 1 Details of the layout, scale, appearance and landscaping, including boundary treatments (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with Article 3 of the Town and Country Planning (Development Management Procedure) Order 2015.

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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.

- 4 **No development shall take place until an Environmental Construction**

Management Plan detailing access arrangements for construction vehicles, on-site parking, loading and unloading areas, materials storage areas and wheel cleaning arrangements shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Environmental Construction Management Plan.

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

- 5 Any application for reserved matters shall include details of the existing and final ground, ridge and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties and the proposal shall be developed in accordance with the approved details.

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

- 6 **No development shall take place until details of hard and soft landscaping (including details of boundary treatments and public amenity open space, Local Equipped Areas of Play and Local Areas of Play) together with a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.**

The soft landscaping scheme, with particular emphasis on the tree planting on the site boundaries, shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes at the time of their planting, and proposed numbers/densities where appropriate; and details of a scheme of management/maintenance of the soft landscaping areas. The soft landscaping areas shall be managed thereafter in accordance with the approved management/maintenance details.

The scheme shall also include an up to date survey of all existing trees and hedgerows on and adjacent to the land, with details of any to be retained (which shall include details of species and canopy spread). Notwithstanding the details submitted with the application hereby approved the measures for their protection during the course of development should also be included. Such agreed measures shall be implemented in accordance with a timetable to be agreed as part of the landscaping scheme.

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

- 7 **No development shall take place until a Landscape Maintenance and Management Plan for a period of ten years from the date of its delivery in accordance with Condition 6 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 6.**

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

- 8 **No development shall take place until the detailed design and associated management and maintenance plan for the proposed surface water drainage for the site, based on the national Non-statutory Technical Standards for Sustainable Drainage Systems and a detailed and site specific assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance, in accordance with Policy 49 of Development Strategy for Central Bedfordshire Revise Pre-Submission Version June 2014.

- 9 **The details required by Condition 2 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full in accordance with the approved scheme.**

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF.

- 10 **No development relating to the construction of the dwellings or the community use of the sports pitches shall commence pursuant to this permission until details have been submitted to and approved in writing by the Local Planning Authority of a scheme of noise mitigation that demonstrates how acceptable amenity levels will be maintained for existing and proposed residents as a result of the community use of the leisure facilities hereby approved. The works shall be carried out in**

accordance with the approved details and shall be in place prior to the occupation of the dwelling to which each works relate.

Reason: To ensure suitable levels of amenity are provided for residents in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.

- 11 No development shall take place unless and until the following have been submitted to and approved in writing by the Local Planning Authority:
- a. A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.
 - b. Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.
 - c. Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before the use hereby permitted commences. 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.

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

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination 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.

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

- 12 No development shall begin until details of the junction between the proposed estate road and the highway in accordance with the approved plan number 422-44 Rev B, including the provision of foot and cycleway as indicated 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. The visibility splays shall remain for the perpetuity of the development and shall remain free of any obstruction to visibility.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road in accordance with policy DM3 of the Core Strategy and Development Management policies 2009

- 13 No dwelling shall be occupied until a 3 m wide foot/cycleway has been constructed on the north side of the access road between Hitchin Road and the Academy in accordance with details of the approved scheme to be submitted to and approved by the Council. Any statutory undertakers' equipment or street furniture shall be re-sited as required to provide an unobstructed footway.

Reason: In the interests of road safety and pedestrian movement in accordance with policy DM3 of the Core Strategy and Development Management Policies 2009.

- 14 **Notwithstanding the details in the approved plans, no development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a schedule of proposed traffic calming works to the access road hereby approved that would prohibit the ability for buses to use the road and to ensure that there is no direct vehicular access between Hitchin Road and the Academy in perpetuity. The works shall be carried out in accordance with the approved details and thereafter be retained.**

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety in accordance with policy DM3 of the Core Strategy and Development Management policies 2009

- 15 Any reserved matters application shall include:
- A traffic management plan that details procedures for managing access to the academy site such that there is no vehicular link to the Hitchin Road
 - Details of the pedestrian route linking the Hitchin Road development to Shefford Road.
 - Details of the pedestrian/cycle route linking to Southfields from the residential development and its mechanism for delivery.
 - Estate road design to geometric standards appropriate for adoption as public highway.
 - Cycle parking and storage in accordance with the council's standards applicable at the time of submission.
 - Vehicle parking and garaging, inclusive of visitor parking in accordance with the councils standards applicable at the time of submission.

Reason: In the interests of road safety and pedestrian movement in accordance with policy DM3 of the Core Strategy and Development Management policies 2009

- 16 **No development shall commence at the site before a phasing plan has been submitted to and approved in writing by the Local Planning Authority. Applications for reserved matters and for the approval of details pursuant to a planning condition shall be made with reference to the relevant phase as shown on the phasing plan.**

Reason: To ensure that different elements of the development can come forward at the appropriate time.

- 17 **No development shall take place until details of the design and layout of the Tennis/Netball Court, Cricket Facilities, Athletic Facilities and Sports Pavilion have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development hereby approved shall not be constructed other than substantially in accordance with the approved details.**

Reason: To ensure the development is fit for purpose and sustainable and to accord with policy DM3 of the Core Strategy and Development Management Policies 2009.

- 18 The community use of the sports facility shall not begin until a scheme setting out the type, design, lux levels and measures to control glare and overspill light from sports lighting and measures to ensure sports lights are switched off when not in use has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall accord with Sport England's "Outdoor Sports Lighting" Briefing Note published in September 2010. After commencement of use of the sports facility the sports lighting shall be operated in accordance with the approved scheme.

Reason: To balance illuminating the sports facility for maximum use with the interest of amenity and sustainability and to accord with policy DM3 of the Core Strategy and Development Management Policies 2009.

- 19 Unless otherwise agreed in advance and in writing by the Local Planning Authority after consultation with Sport England, the sports facility and its associated sports lighting shall not be used outside the hours of:

- 8 a.m. and 10 p.m. Monday to Friday;
- 8 a.m. and 10 p.m. on Saturday; and
- 8 a.m. and 8 p.m. on Sunday and public holidays.

Reason: To balance illuminating the [sports facility for maximum use with the interest of amenity and sustainability and to comply with policy DM3 of the Core Strategy and Development Management Policies 2009.

- 20 **No development shall take place until a playing field construction specification (including a delivery programme) for the reconfigured pitches at the Samuel Whitbread Academy, prepared in consultation with Sport England, has been submitted to and approved in writing by**

the Local Planning Authority. The approved specification shall be complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to with policy DM3 of the Core Strategy and Development Management Policies 2009.

- 21 No development shall take place until the following documents have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and

(ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority [after consultation with Sport England] [or other specified time frame – e.g. before first occupation of the educational establishment]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to with policy DM3 of the Core Strategy and Development Management Policies 2009.

- 22 No development shall take place until a scheme to ensure the continuity of the existing sports use on the playing fields and facilities shown edged within the red line area on Drawing No. 14-01 during construction works is submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall ensure that the sports facilities remain at least as accessible and at least equivalent in terms of size, usefulness, attractiveness and quality to the existing playing fields and facilities and shall include a timetable for implementation. The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

Reason: To protect the playing fields from damage, loss or availability of use and to accord with Policy E4 of Sport England's Playing Field Policy.

- 23 Any future reserved matters application shall be accompanied with a bat transect survey which shall be carried out prior to submission with its

recommendations taken account of in the detailed designs of the scheme.

Reason: To ensure development takes account of bat potential in the area in accordance with the recommendations of the Preliminary Ecological Appraisal by Landscape Planning Ltd that accompanies the application and in the interests of policy DM15 of the Core Strategy and Development Management Policies 2009.

- 24 **No development shall take place until details of the design and layout of the Artificial Grass Pitch, as proposed in accordance with Appendix 4 of the document Sport England Response to comments (January 2016 revision) have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development hereby approved shall not be constructed other than substantially in accordance with the approved details.**

Reason: To ensure the development is fit for purpose and sustainable and to accord with policy DM3 of the Core Strategy and Development Management Policies 2009.

- 25 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 14-01 and 522-44 Rev 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 both Condition 1 and 2 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
3. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Highways Help Desk tel: 0300 300 8049

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.
5. The applicant is advised that the design and layout of the sports facility should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to:
 - Artificial Surfaces for Outdoor Sports guidance note (2013)
 - England & Wales Cricket Board's TS6 document on Performance Standards for Non-Turf Cricket Pitches Intended for Outdoor Use
 - Sport England's Athletics design guidanceSport England's Pavilions and Clubhouses design guidance

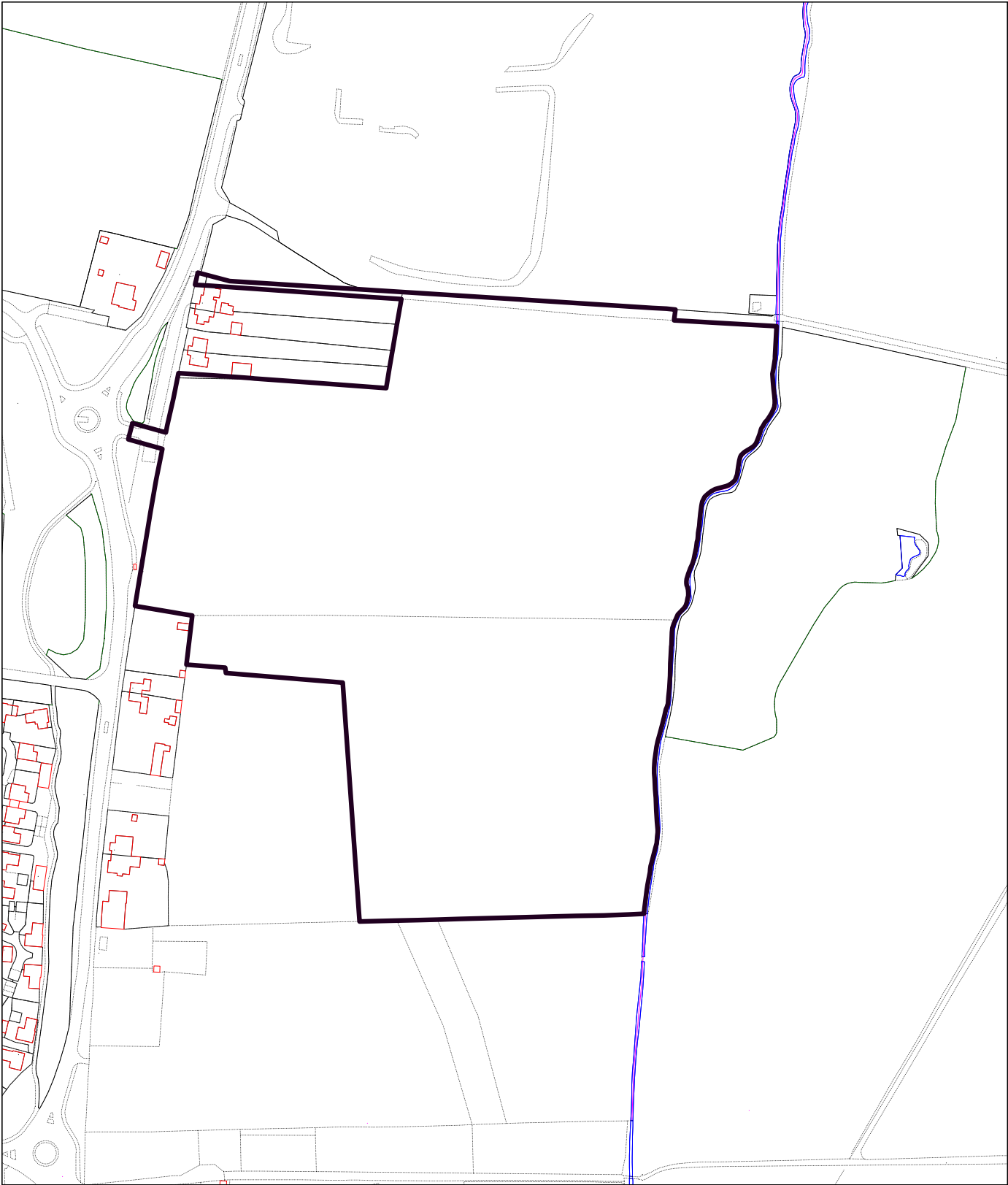
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

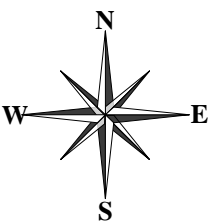
The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186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

DECISION

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|  | © Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009) | Application No. CB/17/00358/RM |
| | Date: 23:August:2017 | |
| | Map Sheet No | |
| Scale: 1:3000 | Land east of Hitchin Road and south of the Former Pig Testing Unit, Hitchin Road, Stotfold | |

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| Item No. 11 |
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| APPLICATION NUMBER | CB/17/00358/RM |
| LOCATION | Land east of Hitchin Road and south of the Former Pig Testing Unit, Hitchin Road, Stotfold |
| PROPOSAL | Reserved Matters: Erection of 180 dwellings with landscaping, open space and associated works pursuant to outline planning permission reference CB/16/01455/OUT dated 30th June 2016 |
| PARISH | Fairfield |
| WARD | Stotfold & Langford |
| WARD COUNCILLORS | Cllrs Dixon, Saunders & Saunders |
| CASE OFFICER | Alex Harrison |
| DATE REGISTERED | 06 February 2017 |
| EXPIRY DATE | 08 May 2017 |
| APPLICANT | Lochailort Fairfield Ltd |
| AGENT | |
| REASON FOR COMMITTEE TO DETERMINE | Parish Council objection to a major application. |
| RECOMMENDED DECISION | Reserved Matters - Approval |

Reason for Recommendation

The application proposes development that complies with the outline consent. The scheme has been designed taking account of the character of the existing Fairfield development and proposes an acceptable mix of dwelling types. The commercial floorspace is integrated as part of the overall development and is accommodated for in highway terms. The layout has considered the location of existing dwellings adjacent to the site and does not harm residential amenity. Development is therefore considered to be acceptable in light of the National Planning Policy Framework, policies within the Core Strategy and Development Management Policies and the Council's adopted Design Guide.

Site Location:

The application site forms an area of arable land located to the east of the Fairfield settlement. To the north of the site lies the former Pig Development Unit which is has planning permission for residential redevelopment, and immediately west and south west of the site there are a number of semi-detached dwellings. The surrounding field parcels are mainly grassland. They are defined by hedgerows and extend as far south as the sewage works which falls within the neighbouring Hertfordshire boundary. To the east there are further arable fields with boundaries marked by hedgerows.

The site would be accessed via an existing roundabout on Hitchin Road which currently serves the Fairfield development and the four semi detached houses to the

north.

The site lies within the open countryside but not within designated Green Belt.

The Application:

Reserved matters approval is sought for the erection of 180 dwellings and commercial floorspace, landscaping, open space and associated works at the site.

The matters submitted for approval are:

- Layout
- Appearance
- Scale
- Landscaping

Access was a matter approved under the original outline consent for the site under ref: CB/17/01455/OUT. The development has been designed incorporating the access road layout approved for the adjacent school which is currently under construction (Ref: CB/16/01454/FULL).

The scheme proposes a mixture of detached, semi-detached, terraced, cluster, apartments and coach house style units with formal public open space including equipped play areas and sustainable urban drainage proposals.

The scheme includes the provision of 18 discounted first time buyer units as required by the outline consent.

The proposed scheme has been amended a number of times since its original submission to take account of consultee comments and points raised by the Case Officer. Principally the first scheme submitted did not include previously proposed flexible commercial floorspace and the case officer wrote to the applicant advising that it was expected that the outline consent proposed be realised in full. The floorspace is now proposed as ground floor area on a building at the entrance of the site with its own parking areas. Flats are proposed above this which enables the permitted 180 dwellings to be proposed. The floorspace is proposed as flexible usage which is as per the outline consent. The flexible uses (which were secured by condition on the outline consent) are a shop (A1), cafe (A3), surgery (D1) and/or offices (B1).

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS5 Providing Homes

DM1 Renewable Energy

DM2 Sustainable Construction of New Buildings

DM10 Housing Mix

DM4 Development Within & Beyond the Settlement Envelopes
CS14 High Quality Development
DM3 High Quality Development
CS7 Affordable Housing
CS2 Developer Contributions

Local Plan

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

Fairfield Neighbourhood Plan

The Fairfield Neighbourhood Plan is at an advanced stage and is to undergo referendum in Mid September prior to formal adoption depending on the outcome of the vote. The plan at this stage can be given some weight as part of the decision making process.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)
Sustainable Drainage Guidance SPD (May 2015)

Relevant Planning History:

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|--------------------|--|
| Application Number | CB/15/01455/OUT |
| Description | Outline Application: mixed-use development comprising flexible-use commercial unit (Use Class A1 (shop) A3 (cafe) D1 (surgery) B1 (offices); 180 dwellings; landscaping; open space; access; parking; and associated works (all matters reserved except access |
| Decision | Approve |
| Decision Date | 30/06/2016 |
| Application Number | CB/15/01355/OUT |
| Description | Outline Application: new lower school (All matters reserved). |
| Decision | Approve (At the Committee meeting of 22 July 2015) |
| Decision Date | 21/08/2015 |
| Application Number | CB/15/01454/FULL |
| Description | Erection of 2-form entry Lower School and nursery with access, parking, all-weather pitch with changing facility, landscaping and associated works |
| Decision | Approved |
| Decision Date | 30/06/2016 |

Immediately north of this application site:

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|--------------------|---|
| Application Number | CB/15/03182/FULL |
| Description | Erection of 131 dwellings with access, parking, landscaping, open space and associated works. |
| Decision | Approve (At the committee meeting of 9/12/2015) |
| Decision Date | 18/12/2015 |

Consultees:

Fairfield Parish Council Fairfield Parish Council objects to this application on the grounds that the proposals, having been materially changed from that approved at the Outline planning stage, will result in severe cumulative highway impacts, particularly with regard to highway safety on Dickens Boulevard and at the Dickens Boulevard / Kipling Crescent junction. The Outline planning permission was granted on the basis of a Transport Assessment which considered the impacts of a development which included commercial and community land uses. That Transport Assessment becomes null & void with the removal of these aspects of the scheme, as further analysis / mitigation will be necessary, therefore to suggest that this application can rely upon the Outline permission is considered irrational and unreasonable.

Most importantly, the removal of the commercial unit (or space for such a unit) will have the effect of increasing the potential traffic distribution on the local highway network, meaning that vehicles associated with new houses will now make 'diverted' trips into Fairfield Park, in order to visit the Tesco Express store. This may not be material in terms of road junction capacity however it will be material in terms of parking capacity in the vicinity of the Tesco Express and associated highway safety impacts, including Dickens Boulevard, where significant parking and highway safety issues already exist.

Similarly, the removal of the potential doctor's surgery (or space for such a unit) means that whereas those occupying the new dwellings would have been likely to walk to the surgery, they will now be required to drive to other facilities outside of the immediate area. This again may not add up to a large volume of vehicle trips such that junction capacity is impacted, however no analysis has been provided to quantify such impacts and there would also be impacts upon parking capacity and patient capacity at and around existing doctor's surgeries.

Further to the concerns above, we note that the internal road layout may not be suitable for CBC refuse vehicle

access. Vehicle tracking included on the site plan appears to be for a smaller vehicle than CBC utilise and even that appears to show overrun of kerbs and conflicts with landscaping areas, plus a need in some locations for private driveways to be utilised for turning. Vehicle tracking should be provided for the entire site, illustrating that refuse vehicle access is possible, in a manner compliant with the relevant standards.

Following revised plans

Fairfield Parish Council continues to be disappointed at the removal of the community uses from the proposals, however welcome the re-introduction of the retail facilities.

We are concerned that there appears to be no provision of a dedicated area for goods vehicle access or a turning area for the retail unit(s). This is an issue at the Tesco store in Fairfield which causes safety and traffic flow issues and we would not wish to see the same issues occur at the new development, especially given the proximity of the retail unit(s) to the main site access

Highways

The proposal for 180 dwellings and a limited amount of commercial development was approved in principle and access agreed under outline consent CB/16/01455/OUT. It incorporates access to a new lower school at south approved under CB16/01454/Full and links to the neighbouring housing development at north. Off site works are proceeding under s278 Highway Act, including modifications to the roundabout at the junction of Hitchin Road and Eliot Way, new footway and crossing points to serve all three sites.

The Planning layout shown on drawing no. 17755/1003 depicts a street hierarchy to provide movement through the site. The internal road network is considered legible and permeable, but there are issues with the extent of adoption, widths of road and parking arrangements which appear to move away from intentions and the spirit indicated at outline stage and thereafter. It raises questions over operational suitability:

- A limited number of streets are to become adopted highway mainly those to serve the school. The area for adoption appears to exclude a 3.0m path from Hitchin Road to the pedestrian gate at the school, connection to the development to the north, emergency access and the more formal link to the pumping station and Pix Brook. Whilst it is a voluntary arrangement to enter into a s38

agreement, it is intended that where there is access for the general public, it is expected that routes will be constructed to adoptable standard taken in for adoption as public highway. Instead, the revised Design and Access Statement suggests that it will cover only part of the phase 1 s38 produced by pba and submitted under drawing no. 38149/C/141 together with associated details. The extent of the area to be adopted requires clarification, including the demarking of the boundary, and responsibilities for ownership and maintenance made clear to potential residents.

- The pedestrian / cycleway link to the development to the north and any path to form a through route should be a minimum of 3.0m width to ensure adequate width for passing.
- Where there are no footways service margins should be shown on both sides, including around all turning areas and laybys on the 'minor' streets.
- A minimum height clearance of 2.4m for an archway will be necessary where no fire appliance access is required, such as at plots 144-146.
- Whilst a fire appliance can manoeuvre along the streets, no analysis is shown for the emergency access and the adjoining access road, and should be demonstrated. Additionally, there are issues with the swept paths for the refuse vehicles shown on Waste and Recycling Strategy, Drawing no. 17755/1007 which are very tight in places, being close to parking bays and overhanging raised areas, such as at plots 117-118, and the deterrent paving area / verge to the immediate west of the vehicular access to the school. The widths will need to be adjusted where there are raised to ensure adequate manoeuvring arrangements for waste collection. If the internal roads are to remain substantially private, clarification is required with the Waste Service over collection.
- A Traffic Regulation Order is required for enforceability of the one-way section. School Keep Clear markings and parking restrictions were considered at outline too, and to be enforceable will require other Traffic Regulation Orders. No reference is made to these in this submission and requires clarification on arrangements for these to progress.

445 car parking spaces are required, including 45 visitor spaces to meet the minimum car parking standard for the housing type schedule. Most are to be provided on plot or in courts. The Car Parking Strategy shown on drawing

no. 17755/1006 indicates 556 spaces due to an additional 85 spaces being depicted as being 'unrecognised' by Central Bedfordshire Council. These are recognised and, mostly, are additional tandem spaces in front of garages, making two spaces in front of car ports / garages contrary to the 2014 Central Bedfordshire design code. This is likely to lead to obstruction and inconvenience to other road users as vehicles are manoeuvred. This is a particular concern for the driveways serving plots, 1, 2, 3 and 178 given the proximity the entrance to the development site, the additional traffic in the locations due to the intended commercial and educational uses, and, for plot 3, the limited off-set from the ramp. Additionally, in the proximity of the urban square for plot 172, and school circulation area at Plots 151, 152, 154 and 155, 164 and 165. Adjustments are required to reduce the conflict risks.

Those plots with car ports/garages with dimensions shown on Drawing no's 17755/156-158 have cycle parking included and are of sufficient size. Those without are to be provided with a shed of bicycles as depicted on Drawings 17755/161 and these too are adequate. There are issues with some on-street parking spaces which must remain unallocated to a plot if the street is to be adopted. Currently, as drawn there are allocated places which are not included within the submitted phase 1 s38 layout:

- Of the 46 of the car parking spaces are shown on-street, the two for plots 03 and 177 are restricting the entry width of the gateway feature on the main street and should be removed or placed in a layby as shown on the Phase 1 s38 drawing.
- Four bays are allocated at the school frontage for plots 150, 151, 154 and 155 and should be unallocated and marked as visitor to serve as school drop off and pick up zone as expected at outline stage to reduce the conflict risks with school related traffic which will occur at various times of the day given that part time arrangements will occur for those in nursery and / or early year stages of their education.
- 12 bays for residents border the Green Square along with 10 visitor bays. The bays for residents are divorced from plots 19 to 21, 165 to 171 and create safety risks by narrowing the approach to school from the level of interaction and tensions over usage. No such bays are shown under the Phase 1 s38 drawing for such reasons. Additionally, there is no nearside margin to allow the opening of car doors due the adjoining fence

requiring car users to step into a 'live' carriageway. If bays are to be provided, a margin or footway is needed and the widths adjusted, accordingly.

Checks should be made on the position of landscaping features, parking bays and pedestrian crossing points to ensure that there is no obstruction of visibility splays, such as at plots 3, 78, 89, 100, 106.

The submitted Traffic Management Plan for construction purposes and the Site Set Up shown on drawing no. CBC138-000 and, are considered, reasonable to mitigate the risks associated with these works.

Concerns, however, remain. There is need to co-ordinate layouts with the Phase 1 s38. In order to address some detailed aspects of the road layouts, parking and road adoption, I require, therefore, further clarification to ascertain compliance with the outline approval for safe access, passage of vehicles and circulation.

Following amended plans:

I note the revisions, including:

- The provision of commercial units, apartment and associated parking served off Main Street replacing dwellings, including a few on the private drive
- Submission of revised swept paths and car parking strategy
- The provision of a path between the Green Square and the parking bays
- Clarification of widths for footways and cycleways, service margins, heights of archways, and some areas for adoption

The issue concerning the area in the school and plots 151-155 etc. relates to the number and types of opposing manoeuvres in close proximity which raise the probability of occurrence of safety and inconvenience risks despite relatively low speeds.

On the TRO's, such orders cannot be conditioned due to other legislation applying and uncertainty associated with a separate consultation process; an informative would cover.

On adoption, clarity is required to enable the Highway Authority to provide appropriately worded conditions in line with national advice and reinforced by the

Department of Transport in its April 2017 Advice Note on 'Highway Adoptions' and, to signal to all parties, their responsibilities and the access arrangements, particularly for the general public, emergency services and waste collection.

The modifications are welcome which provide a better understanding and reassurance on the operation of the development. There should be more than an adequate number of parking spaces; although where there are more than two tandem spaces inconvenience could arise on repositioning vehicles. Of the bays that are grouped or provided as parking courts, these are of reasonable size and, as drawn, provide adequate clearance for those adjacent boundaries such as fences or walls. Swept paths are tight against the visitor bays at plots 39, 40, 42, 43 and 106, but should be achievable, even if the bays are in use. Given that much of the development is to remain private further advice on waste collection should be sought from the relevant service department. The Traffic Management Plan for construction purposes is acceptable.

Some points of detail remain to resolve which have arisen in part by this amended application well as from details within the s38 submission notably on demarcations, and from the longitudinal sections that highlight the steepness of Main Street which suggests that drivers can pick up speed in advance of bends counter to the design of the road alignment as speed reducing measures requiring adjustments to meet forward visibility.

Furthermore, on the first section of Main Street to the Urban Square, the allocated bays to plots 526 to 518 on the south side will need to be outside of the adopted highway where arrangements, but given the layby would risk being used by others on a first come first served basis. The street should be constructed flush to the ramp near plot 08. There is no requirement for the granite sets.

At the Urban Square, the area of adoption should form a square, and include the visitor bays on the north side and the area to the back edge of the path. It should continue eastwards in a straight line to Block 6-18 incorporating the section of road to the east of the visitor bays and the feature at the mid point of the Square.

There is a lack of forward visibility on approach to the crossing at the Green Square / Green Link due to another bend, requiring the removal of three visitor bays together with adjustments to the kerb line to prevent parking obstructing the line of sight of pedestrians approaching or

on the crossing.

On the one-way section, two visitor bays have replaced the bus / coach bay and this should revert to bus / coach unless the school has requested otherwise.

The path outside Block 147-149 should gradually fall towards the ramp. A 50mm upstand should separate the shared cycle / pedestrian link from the carriageway and extend to the private drive. The junction of the private drive should be squared off to better demark the extent of adoption. Within the private drive, a buffer zone should separate the cycle / footway from the carriageway; again to provide demarcation. This could take a form of a verge. These arrangements would allow fencing and gating of the private area, if necessary, to reduce the risk of it becoming parked by users of the school, and any potential over-running of the public cycle / footway.

As the outstanding matters do not change the position of roads or features thereon significantly, I suggest that these can be covered by conditions and informatives.

Tress and Landscape

Landscape details are acceptable although would prefer it if all planting of standard trees were to be of either root-ball or container grown, it appears that a number of fruit trees are to be supplied bare rooted. Can we see this changed?

Landscape Management Plans are acceptable.

Following amended plans

No additional comments but looking at earlier comments do not see the changes asked for with regards to bare root planting.

Pollution Team

Letchworth Sewage Treatment Works is located to the south of the proposed residential development. The Pollution team has been investigating numerous complaints of sewage odours affecting existing residents of Hitchin Road and Fairfield Park since April 2016 and an odour abatement notice has now been served on Anglian Water requiring them to reduce odour emissions from their process. Anglian Water has submitted an appeal against the notice which has not yet been heard by the courts.

The proposed dwellings are located in the direction of the prevailing wind (south westerly) and in close proximity to the Letchworth Sewage Treatment Works and are therefore likely to be affected by odour more frequently and more extensively than the majority of existing

dwellings. The proposed development will introduce a large number of additional residents into an area adversely affected by sewage odour.

The applicant has not provided any information regarding the odour impact of the sewage treatment works on the proposed dwellings. There are few options to control odour emissions that are transgressing into the area and the most effective odour control is mitigation at source which is outside the control of the applicant. Options on site might include no build zones for areas subject to odour units above the recommended levels, construction of sealed units with odour control on air intake and no amenity areas located in the affected areas.

The applicant should provide an odour assessment of odour emissions from Letchworth sewage treatment works to support the proposed development.

Following amended plans

In addition to the objection to the proposed development in Public Protections comments, 7 which remain applicable, would like to make the following comments on the amended plans;

The applicant has introduced an area of flexible use commercial development with seven units of residential accommodation above. The proposed flexible-use commercial unit (Use Class A1 (shop) A3 (cafe) D1 (surgery) B1 (offices) is likely be detrimental to the amenity of the proposed residential accommodation above and adjacent occupiers with customer noise, plant noise, deliveries and odour from extraction systems. Insufficient information is provided on the intended future use to comment in detail on the potential impact.

Further details should be submitted for the flexible use commercial unit prior to development commencing including type of use, hours of operation, details of plant, machinery and equipment, details of extract ventilation systems. A noise scheme to mitigate noise impact on the proposed residential premises above and adjacent to the flexible use commercial building is required to include floor/ceiling insulation details, window and ventilation specifications and any other required mitigation measures.

Notwithstanding the above objection if development management are minded to grant permission then recommend conditions for plant noise, opening hours, delivery hours and a noise scheme for adjacent and

attached residential premises.

Sustainable
Drainage

Urban The details submitted with this RM application are generally acceptable. We await details to be submitted to discharge condition 8 (surface water) on the outline application.

It appears there is some proposed planting near to the Pix Brook and the applicant should check with the Internal Drainage Board that this is acceptable and will not obstruct their maintenance activities.

Following amended plans

No further comments on the application.

Ecology

Comments made for the Outline application, CB/16/1455, do not seem to have been taken into account with the reserved matters scheme and hence they are repeated below;

2.8.5 of the D&A states 'amenity and recreation areas throughout the scheme. These spaces are set out to be well overlooked, well defined within the public realm and located to be made easily accessible.', and yet looking at the planning layout it is evident that dwellings to the south of the central hedgerow back onto this corridor. Given the strong nature of this connective tree line / hedge more should be made of the corridor placing it in the public realm with homes facing it. The layout demonstrates this well where homes look onto POS in the East.

2.8.8. of the D& A states 'A large area of open space has been provided at the Eastern-most and Southern-most boundaries of the site' This statement is completely disingenuous as the areas in question are undevelopable due to floodplain and cordon sanitaire restrictions. The Green link to the south should be extended to the central hedgerow boundary to fully support connectivity through the site.

the provision of the Ecological Enhancement Scheme is welcomed and the following condition should be applied to ensure adherence to it;

All ecological measures and/or works shall be carried out in accordance with the details contained in the January 2017 Ecological Enhancement Scheme as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Following amended plans

The revised planning layout drawing 17755/1003B has still not taken earlier comments into consideration and are reiterated.

Sustainable
Officer

Growth

The submitted evidence is for two types of dwellings and shows compliance with the policy DM2 requirement of water efficiency standard of 110 litres per person per day. However the proposed development consists of 8 types of dwellings and Part G compliance calculation sheets should be submitted for all 8 types.

Energy calculations and renewable energy requirement

The submitted Energy Statement states that 10% energy demand will be achieved through fabric specification and use of renewables. Although policy DM1 requires that 10% of the development energy demand is sourced from renewable sources, the proposed approach is acceptable as it achieves overall policy aim of reducing energy demand and carbon emissions. To provide evidence that this approach will be implemented Part L compliance sheets need to be submitted that clearly demonstrate that the energy demand for each dwelling will be reduced by at least 10%.

If the above documents cannot be submitted at this stage than the following conditions should be attached to the permission:

- 10% of development's energy demand to be delivered from renewable sources or energy demand reduced by 10% through application of fabric improvements (as proposed by the applicant) compared to base design which is Part L 2013 compliant);
- Water efficiency to achieve water standard of 110 litres per person per day.

The above conditions will be discharge on submission of the following evidence:

- Part G Water calculation output sheets for each dwelling type
- Part L energy compliance calculation output sheet for each dwelling.

Following amended plans

In response to the agent letter dated 23rd March 2017, the requested detail in respect to renewable energy condition is justified as the condition requires the development to achieve standards above and beyond

compliance with the Part L of the Building Regulations. This information must be submitted in order to discharge the condition.

Compliance with the higher water efficiency standard of 110 litres per person per day will be checked by the building control process. The calculations are requested at the planning stage to ensure that the development is able to achieve the higher standard. The applicant is obliged to inform building control that there is planning condition to achieve the higher water efficiency standard under the Part G of the Building Regulations.

Landscape Officer

The 'urban square' adj plots 9 - 16/18 - 167/172 is very hard and would benefit from additional street tree planting to define space, soften views, provide shade and contribute to management of surface water run-off.

Orientation of proposed development along the northern site boundary is not acceptable and should be orientated to ensure the east - west landscape corridor is retained within the public realm and does not form domestic boundaries; more advice is included in the CBC Design Guide.

More street trees within the public realm and ideally linked to bio retention areas needs to be considered. Views from dwellings on to the proposed school boundary would benefit from additional tree planting to soften resident's views.

The north/south access / residential road linking the footpath along the northern site boundary with the 'Green Square' and landscape areas to the south of the sit must be a 'green corridor' to connect GI and include more native planting, street trees, potential for wildflower grass verges and ideally linked to SuDs / bio retention areas.

The public access from the east- west landscape corridor needs to be larger and form more of a 'gateway' - possibly including bespoke gateway pier designs echoing those proposed elsewhere on site?

The proposed Green Square and LEAP are very formal and bland; whilst understanding the design principle to reflect the features of Fairfield some of the formal landscape areas of Fairfield are not as successful as could be. It may be a formal shape and include more natural parkland trees in groups with bespoke street furniture in clustered groups.

More information is required on street furniture - this

again should be a bespoke design to enhance sense of place / local distinctiveness.

The proposed POS to the southern portion of the site including the 'kick about area', LEAP and attenuation area could integrate these uses / functions in a more imaginative way - utilising the attenuation area as part of natural play or include more wet woodland planting to encourage imaginative play and enhance habitat.

The pumping station could be better integrated within the landscape design.

The LEAP appears to include black top and grey safety play surfacing which is very boring for a play area, the treatment of floorscape and design to enhance play and imagination needs to be considered further.

More detail is required on SuDS;

Given piped solutions are not acceptable as per the CBC SuDS Guidance surface water management needs to be accommodated within the areas of built development and include features such as open channels, rills, bio retention areas and connecting swales.

The pond and attenuation areas offer exciting opportunities for habitat creation and natural play; more detail including plans and sections describing levels, landscape and varieties of habitats / margins, design of surface water connections / outfalls , any boundary treatments and features such as board walks or play boulders need to be considered further.

Following amended plans

Previous comments reiterated.

Green Infrastructure

The green corridor along the disused footpath is an important green infrastructure asset. The proposed layout does not relate well to this feature, with dwellings backing onto this area. It should be treated with the same design approach as other green corridors within the development, with properties facing a designed, multifunctional corridor. The current layout is not acceptable in relation to this feature.

This corridor needs to be connected with other green infrastructure features within the proposed development, particularly the central green space and LEAP. The GI plan in the Design and Access Statement (Fig 16) shows a green link between the southern green corridor and the

green space, but there is no provision of a green link to the north of the green space, connecting to the east / west corridor. The provision of pedestrian connectivity (through a narrow gap at the north of the scheme) is inadequate. A green link between the green space and the north of the site is required, and the need for this has been highlighted in previous comments at the outline application stage.

However, the layout of the scheme in relation to the planned green corridors is positive, with properties facing onto the Pix Brook, southern green corridor, green link and central green area.

It is understood that further information will be provided relating to the discharge of condition 8, looking at surface water management. However, consideration of surface water management is required in relation to this application, concerning the layout of the scheme. The surface water management plan submitted at the outline application stage indicated that surface conveyance of surface water (e.g. through swales) would be included. However, these features are not shown in the layout plans. The layout plans need to be amended so as not to prejudice the delivery of surface water management as set out in the outline application, and that would be compliant with CBC's adopted Sustainable Drainage SPD. Given that these features were included in outline application material, they need to be carried through into this application relating to layout, before being fully detailed in further applications relating to the discharge of surface water conditions. Surface water management features within the residential development for conveyance as well as storage need to be shown in the layout, in order to be in line with previous application material, and with CBC's requirements for SuDS.

In terms of the surface water attenuation area next to the LEAP in the southern green area, this needs to be designed to complement the adjacent recreational use, with safe access. Information on the safe design of SuDS is provided in CIRIA's SuDS manual - intrusive fencing or health and safety equipment would not be acceptable. This should be considered by the applicant in preparation for the submission of detailed material relating to surface water management.

Following amended plans

The updated application material has not addressed previous comments.

Public Art

Many thanks for the opportunity to comment on this outline application regarding Public Art; Central Bedfordshire Council actively encourages the inclusion of Public Art in new developments and looks to developers / promoters of sites to take responsibility for funding and managing the implementation of Public Art either directly or through specialist advisers and in consultation with Town and Parish Councils and Central Bedfordshire Council.

Key requirements are:

- Public Art be integrated in the development design process and be addressed in Master plans and Design Codes.
- Where possible artists should be appointed as part of the design team at the earliest design stage.
- Public Art should be site specific; responding to place and people including environment and materials.
- Public Art should be unique, of high quality and relevant to local communities.

Public Artists can include:

- Artists and artisans, artist architects, landscape artists - with experience in working in collaboration with developers, design teams and local communities.

Given the scale and character of the proposed development, and site context, suggest there are many exciting opportunities to include Public Art within the residential and commercial developments.

If the application were to be approved then request a Condition be applied.

The Public Art Plan should detail:

- Management - who will administer, time and contact details, time scales / programme
- Brief for involvement of artists, site context, background to development , suitable themes and opportunities for Public Art
- Method of commissioning artists / artisans, means of contact, selection process / selection panel and draft contract for appointment of artists
- Community engagement - programme and events
- Funding - budgets and administration.
- Future care and maintenance.

The Central Bedfordshire Design Guide, Section 4 Public Realm is available on the CBC website and offers

comprehensive advice on the integration of Public Art within development and features in parts Public Art within the Fairfield development, illustrating how Public Art can enhance sense of place, community and quality in the environment.

The CBC Public art Officer would be happy to liaise with the applicant / developer to provide advice and support if required.

Internal Drainage Board The Board object to the layout of the development as landscaping, footpaths and flood storage ponds are all shown to be located within the Board's byelaw strip of 7 metres adjacent to Pix Brook which must be kept clear of all development due to the Board's maintenance operations.

Environment Agency No comments received.

Anglian Water The submitted documents include no further information relating to foul drainage as part of this application. Therefore we have no comments relating to the submitted documents.

No comments on the proposed surface water drainage proposals as they do not relate to any Anglian Water assets.

Rights Of Way There are no Rights of Way within this application site.

Waste Services The Council's waste collection pattern for Stotfold is as follows:

- Week 1 – 1 x 240 litre residual waste wheelie bin, 1 x 23 litre food waste caddy
- Week 2 – 1 x 240 litre recycling wheelie bin, 2 x reusable garden waste sacks, and 1 x 23 litre food waste caddy.

Please note that bins are chargeable for all properties and developers will be required to pay for all required bins prior to discharging the relevant condition. Our current costs for these are: £25 +VAT per 240l bin, and £5 +VAT per set of food waste bins.

Wherever possible, refuse collection vehicles will only use adopted highways. If an access road is to be used, it must be to adoptable standards. Typically, until roads are adopted, bins are to be brought to the highway boundary or a pre-arranged point. If residents are required to pull their bins to the highway, a hard standing area needs to be provided for at 1 wheelie bin and a food waste caddy, in addition to 2 reusable garden waste

bags. Waste vehicles will reverse a maximum of 15m to the point of collection. The bin collection points provided look to be satisfactory, providing the pull distance is not further than 10m from point to refuse collection vehicle. The submitted vehicle tracking analysis will also need to be approved by Highways to ensure the vehicle can manoeuvre around the site safely.

As there are flats as part of the development, the following information applies. Communal waste provision is allocated on the basis of 90l per week per waste stream per property; therefore we would provide 1100 or 660l bins to be collected fortnightly. These will be charged at £350 + VAT per 1100l / £250 per 660l bin. Our waste collection crew will move communal bins a maximum of 10m from the bin store to the waste collection vehicle, providing there are suitable dropped kerbs.

Bin stores should be easily accessible from the main highway and it is crucial that the store is secure with a lock to prevent potential fly tipping issues. A lock code will need to be provided to the Central Bedfordshire Waste Services Team. The door used by the collection crews will need to be wide enough to allow for easy removal of bins from the storage area. A dropped kerb will need to be provided to enable easy manoeuvrability, access and egress of the bins. Lighting within the bin store should be provided so that the bins can be used safely by residents when it is dark.

Following amended plans

There is no perceived issue with where the proposed bin store is located; however we would require confirmation that all of the previously specified requirements have been met. Also, we would need to see dimensions of the bin store and have confirmation that pull distances have not been exceeded.

Bin collection points appear to have been provided for any areas that are not accessible for the refuse vehicle. However, householders should not be expected to transport waste bins over a distance greater than 25m, and what is the proposed method of refuse collection for the properties located on the roads that are to remain unadopted? Refuse crews will only use adopted highways.

Travel Plan Coordinator

The travel plan submitted is in support of the residential aspect of the outline permission and as such satisfies the requirement under condition 20 of CB/16/01455/OUT for

a travel plan, cycle parking detail and pedestrian and cycle route information to be provided for each subsequent reserved matters application.

Considering the concerns raised by Highways DM in terms of the supporting information deviating from what was provided at outline stage, will approve this travel plan once these concerns have been alleviated as the success or otherwise of the travel plan will be based upon satisfactory walking and cycling routes.

The developer should also be aware that there is a pre-commencement condition attached to permission CB/16/01455/OUT which requires a site wide travel plan (encompassing all land uses) to be submitted and approved, into which individual plans such as the current residential plan referred to above will feed into.

Other Representations:

Neighbours

28 letters have been received raising the following objections and comments:

- The plans do not have the originally planned infrastructure. No shop or surgery, pharmacy or pub/restaurant.
- No infrastructure to support the development.
- Commercial units should be made obligatory with any approval.
- Commercial unit is too close to Hitchin Road and will cause traffic issues.
- Pedestrian links between this site and the former pig testing site are essential.
- Development will increase traffic on Hitchin Road and Dicken Boulevard from people going to Tesco
- Visitor parking at the entrance to Hitchin Road will cause issues with increased traffic flow and cause congestion at the roundabout.
- Visibility onto Hitchin Road should be improved.
- Location of the construction compound will harm the amenity of 159 Hitchin Road
- Increased impact of noise and fumes to 22 Dickens Boulevard
- A Footpath route to Stotfold should be provided or widened.

Determining Issues:

The main considerations of the application are;

1. Principle

2. Affect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

Considerations

1. Principle

- 1.1 Outline planning permission was granted for the development of the site to provide the following:

Outline Application: mixed-use development comprising flexible-use commercial unit (Use Class A1 (shop) A3 (cafe) D1 (surgery) B1 (offices); 180 dwellings; landscaping; open space; access; parking; and associated works (all matters reserved except access)

The principal of development is therefore established through the previous outline consent. The initial reserved matters application proposed a scheme of residential dwellings only with no commercial floorspace which resulted in objection raised by the Parish Council on the basis that the reserved matters scheme did not reflect the outline proposal. The plans were therefore amended to include a commercial floorspace area.

2. Affect on character and Appearance of the Area

- 2.1 The proposed residential scheme shows a mix of dwelling types and sizes which creates an appropriately diverse housing mix. The development has been designed having taken account of the distinctive character of the Fairfield settlement with traditional detailing apparent throughout. This is in line with the goals of the draft Neighbourhood Plan. The development has been oriented to provide active frontages to the public realm areas and a mix between continuous and broken frontages throughout. The development has included bespoke designs at termination points and detailing such as gateway piers to create a sense of place.
- 2.2 The layout has been proposed in accordance with the design guide and shows a number of shared surface areas off of the principal road route through the site. This contributes to establishing a residential character to the development in terms of establishing a sense of place through the street. .
- 2.3 The scale of development is set largely at 2-2.5 storeys high but there are larger elements of the scheme which are not a standard feature at an edge of settlement site however in this instance contribute to establishing a traditional character to the development which is acceptable.
- 2.4 Consultee comments are noted however the development is considered to include suitable levels of green infrastructure and open space. The outline consent indicated a green link route that would run north to south and link to the adjacent development north of this site. This has not been achieved as the 'link' does not materialise north of the green square however it is possible to walk from the northern site into this development and vice versa. The open space and landscape proposal is considered to be a benefit of this scheme providing both

formal and informal play areas and space as well as walking links within the site.

3. Neighbouring amenity

- 3.1 In respect of the impact on existing neighbouring amenity the development will abut the dwellings to the north 153 – 159 (odd) Hitchin Road. The scheme has kept the shop units away from the northern boundary of the site which has removed any previous concerns over noise and disturbance through activities and plant equipment installed. The layout shows dwellings adjacent to the nearest dwelling 159 Hitchin Road but these have been orientated so that they are not overbearing to the existing residents and that built form is not dominant on the boundaries. There are buildings shown at the end of the gardens for these plots however these are deep gardens and it is considered that the proposals will not harmfully affect light to the garden areas and would not be overbearing. Of the units that are close to these common boundaries there are first floor windows on Plot 12 that look towards the garden area. The plan indicates some planting in between but it will be necessary to require these windows and rooflights to be obscurely glazed/high level. Plot 33 has a stairwell window looking towards the garden areas but this serves a non-habitable room and is therefore considered acceptable. Plots 13 and 34 have windows facing the gardens but they serve bathrooms and would be obscurely glazed. To ensure privacy is not affected in the future it is necessary to remove permitted development rights to Plots 12 and 34 to not allow installation of windows or roof alterations on their rear elevations.
- 3.2 The occupiers of 157 and 159 Hitchin Road have objected on the grounds of amenity harm by virtue of the location of the construction compound. These objections are pertinent and it is considered that a more suitable location can be provided that is away from neighbouring residences. Alternative proposals will be required and these will be secured by the need for the developer to agree the location with the Council via condition on the outline consent.
- 3.3 In respect of providing suitable amenity space for occupiers of the proposed scheme the case officer did write to the applicant to advise of concerns over substandard garden provision on some plots. The scheme has been amended on two occasions to address these concerns. On balance the scheme is now considered to provide suitable amenity space for the development. Flats have shared amenity space and layouts of the dwellings are such that there are no overlooking issues between properties. The scheme proposes a number of dwellings (plots 115-123 incl) that are referred to as 'Cluster Apartments'. Concern was raised over these as rather than cluster homes they were shown to be houses without gardens which was considered unacceptable. The amended scheme now shows this arrangement to consist of semi detached properties and a group of four dwellings in a cluster with shared amenity space.
- 3.4 The proposal shows a number of plots with large garage buildings that have residential accommodation above. This accommodation is ancillary and could form a home office or annexe. Dormer windows are proposed in the roof to serve the accommodation area and the dormers have been designed to face the gardens of the dwellings they are associated with rather than look into other properties. The scheme originally proposed external staircases as access points but the applicant was advised that these would cause overlooking impacts and the buildings were amended to have internal staircases. The first floor annexe

accommodation does increase the scale of these garages but they are not considered to be overbearing in spite of being visible from other properties. It will be necessary to have conditions removing the ability to create new openings on these building and to ensure they are ancillary to retain appropriate amenity levels.

- 3.5 The Pollution Officer has raised objection to the development being so close to an Anglian Water treatment plant. Outline consent, and therefore the principle of development, was granted on the basis of the site and its relationship to the plant without objection from the Pollution Officer who noted that the layout showed dwellings further away from the plant than existing properties. It is unreasonable to introduce an objection to a reserved matters planning application on this ground now that outline consent is granted. The applicant has kept residential properties away from the southern boundary outside of a notional cordon sanitaire and this is considered to be in line with the outline consent and acceptable as a result. The council is aware of odour problems with this plant but it is noted that Anglian Water are the responsible authority for the plant and they have commented that the application does not contain the foul water scheme for the site. This is reserved to be approved by condition on the outline consent.
- 3.6 The shop units will inevitably come with needs for external extraction or plant installations and there are residential units above and adjacent to these. A condition will be required to approve plant details and any necessary mitigation as occupiers are identified in the interests of providing suitable amenity levels.
- 3.7 On the basis of the above considerations the proposal is considered to be acceptable in respects of amenity subject to conditions highlighted above.

4. Highway Considerations

- 4.1 The access proposal was approved at outline stage and is proposed as per the first application. The layout of the proposed development reflects the indicative road layout submitted as part of the outline application. The road layout is considered acceptable and would ensure school traffic is accommodated within the site as well. As part of the outline approval a series of works off-site to Hitchin Road, including crossings and footpaths, have been approved with appropriate triggers for implementation.
- 4.2 In respect of parking provision the scheme is considered to provide design guide compliant on-plot provision for the residential properties proposed. A number of formal unallocated visitor spaces are also proposed and a large proportion of these have been located close to the school and the green square which can then double as drop off/pick up parking for parents of school children at peak times where available.
- 4.3 The shop unit provision also includes its own identified parking provision. For the floor area proposed the layout shows 18 spaces either adjacent the units or in a rear parking area. It will be necessary to ensure suitable street furniture is installed in the proximity of the shop units to discourage customer parking on the street at the expense of highway convenience and safety at the entrance of what will be a regularly used access point given the scale of development.

- 4.4 The Parish Council have raised objections on the grounds that the site layout does not provide suitable turning area for service/delivery vehicles associated with the shops. In response the applicant has submitted details showing how vehicles can move within the site and therefore enter and leave the development in a forward gear. As a result there are no objections to servicing provision for these units.

5. Other considerations

5.1 Ecology

The comments from the Ecologist are noted in respect of the relationship of the scheme to existing landscaping. The desire to keep the existing tree planting is an ideal however there is a balance to be had with the overall design and layout of the development. To include the northern tree belt as part of a public realm area would require a redesign of the layout which would likely result in rear garden areas in prominent streetscene locations, reducing the extent of active frontage. In considering the balance it is felt that, in this instance the benefit of a holistic development with active street frontages is more of a benefit with this scheme.

5.2 Shop units

A number of objections are made relating to the commercial units proposed. The preferences for occupiers and uses for these areas are noted. The units are proposed as flexible units which means they can be occupied by a variety of uses, including convenience retail and medical uses. Occupancy will be dictated by the market which means that the Council is not able to insist on a specific occupier however the scheme will provide the floorspace if the interest is there. There is considered to be sufficient parking for the units including staff although it is fair to consider employment can be found locally removing the need for staff to use a car.

5.3 Internal Drainage Board.

The IDB have objected as part of the landscaping at the eastern part of the site proposed planting and footpaths within the 7 metre buffer they require to be left unaffected for maintenance purposes. This is the case however it is not considered to be a significant issue as the extent of landscape in this area is such that the scheme can be revised to retain this buffer and realign the footway and planting as necessary. Such works can be covered by condition.

5.4 Conditions

Outline planning permission for this development site was granted subject to a number of conditions. These conditions cover the following areas:

- Implementation time limits
- Environmental Construction Management Plan
- Levels
- Landscape implementation
- Surface water drainage
- Foul water strategy
- Sustainable construction
- Contamination
- Plant and machinery

- Bat and Bird boxes
- Travel Plan
- Noise
- Commercial operating hours
- S106 Agreement
- Access construction
- Use of commercial units.

It is not necessary or reasonable to repeat conditions that are already included on an outline consent. Conditions on reserved matters need to explicitly relate to the details of that specific application.

- External materials will need approval and therefore a condition requiring details will be needed.
- The annexe buildings will need to be conditioned to remain ancillary to the dwellings they relate to with permitted development rights removed to insert any further windows.
- Permitted development rights to insert windows will need to be removed for Plots 12 and 33.
- A condition will be required for the approval of a scheme of hard landscaping aimed at achieving appropriate measures to reduce the ability to park on street at the area of the commercial units without harming the character of the development.

5.5 Human Rights

Based on the information submitted there are no known issues raised in the context of Human Rights/equalities Act 2010 and as such there would be no relevant implications with this proposal.

Recommendation:

That Reserved Matters consent be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 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. This is a pre-commencement condition as material details need to be agreed prior to start of development.
(Section 7, NPPF)**

- 2 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, including dormer windows and rooflights shall be inserted into the northern (rear) elevation of Plot 12 or the western (rear) elevation of Plot 33 of the development hereby approved, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents.
(Section 7, NPPF)

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the garages with habitable accommodation above at plots 58, 59, 60, 65, 72, 73, 75, 91, 92, 93 and 99 hereby permitted shall only be used ancillary to the dwellings to which they relate as shown on the approved plans.

Reason: To prevent the establishment of an independent unit on the site in the interests of highway safety and convenience and neighbouring residential amenity.
(DM3 CSDMP)

- 4 **Notwithstanding the details in the approved plans, no development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a scheme of hard and/or soft landscaping at the western part of the site to provide purposely designed measures aimed to address the issue of on street parking of visitors to the commercial unit(s) hereby approved. The works shall then be carried out in accordance with the approved details and be in place prior to the first commercial unit coming into operation.**

**Reason: To ensure the operation of the commercial unit(s) hereby approved will not adversely affect highway safety and convenience.
(DM3 CSDMP)**

- 5 **Notwithstanding the details in the approved plans, no development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a revised landscaping scheme for the eastern part of the site which shows a proposed footpath, planting and drainage scheme that is located outside of the Internal Drainage Board's 7 metre byelaw strip taken from the near edge of Pix Brook. The works shall then be carried out in accordance with the approved details and in accordance with a timetable for delivery submitted for approval as part of these details.**

**Reason: To ensure the development does not inhibit the maintenance of Pix Brook as required by the Internal Drainage board in the interests of drainage in the area.
(DM3 CSDMP)**

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 17755/1003F, 17755/1006D, 17755/1007C, 17755/1009, 17755/1010A, 17755/1018B, 'energetics' Substation Plan Rev B, 38149/C/110, 17755/120, 17755/121, 17755/122, 17755/123A, 17755/124, 17755/125, 17755/126, 17755/127, 17755/128A, 17755/129, 17755/130A, 17755/131, 17755/132A, 17755/133A, 17755/134a, 17755/135, 17755/136, 17755/137, 17755/138B, 17755/139, 17755/140, 17755/141C, 17755/142C, 17755/143, 17755/144, 17755/145, 17755/146A, 17755/147A, 17755/148, 17755/149, 17755/150, 17755/152A, 17755/153, 17755/154B, 17755/155, 17755/156, 17755/157, 17755/158C, 17755/159, 17755/160A, 17755/161, 17755/163, 401B, 402B, 403B, 404B, 405B, 406B, 407C, 408.

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. Applicant is advised to note that the location of the construction compound is not approved as part of this permission and is required to be approved by condition on the outline consent. An appropriate location for such a compound would be away from existing residential properties so as to minimise any impact on amenity.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

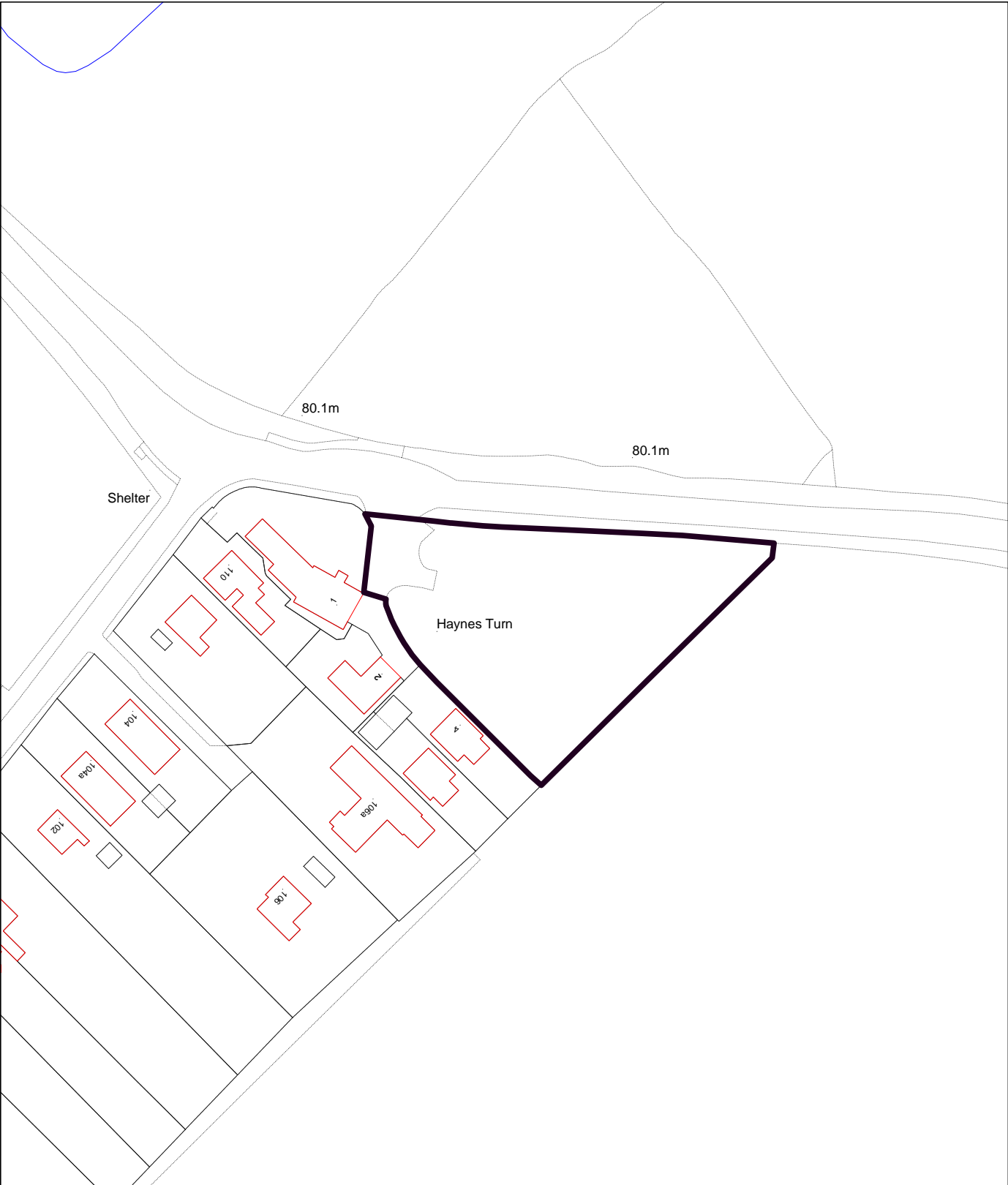
The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186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

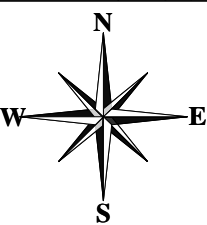
DECISION

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|  | © Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009) | Application No. CB/17/02023/OUT |
| | Date: 24:August:2017 | |
| | Map Sheet No | |
| Scale: 1:1250 | Land adjacent to Haynes Turn, south of High Road, Haynes Turn, Haynes | |

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Item No. 12

| | |
|--|---|
| APPLICATION NUMBER | CB/17/02023/OUT |
| LOCATION | Land adjacent to Haynes Turn, south of High Road, Haynes Turn, Haynes |
| PROPOSAL | Outline Application: with all matters reserved for the erection of five detached dwellings |
| PARISH | Haynes |
| WARD | Houghton Conquest & Haynes |
| WARD COUNCILLORS | Cllr Mrs Barker |
| CASE OFFICER | Michael Huntington |
| DATE REGISTERED | 31 May 2017 |
| EXPIRY DATE | 26 July 2017 |
| APPLICANT | LSF Properties |
| AGENT | CB Architecture |
| REASON FOR COMMITTEE TO DETERMINE | Ward Member call-in: <ul style="list-style-type: none"> • Overdevelopment; • Highways; • Outside settlement envelope |
| RECOMMENDED DECISION | Outline Application - Approval |

Site Location:

The application site consists of an open field located on the edge of the village of Haynes. The site is flanked by 4 Haynes Turn to the south west, to the north west by properties 1 - 2 Haynes Turn, to the south east by open countryside and to the north and north east by the main public highway A600 (Bedford Road).

The site is located outside the settlement envelope for Haynes and is not located within any other designation.

The Application:

Outline permission is being sought for the erection of 5 detached dwellings with all matters reserved. An indicative layout has been supplied demonstrating the proposed access, a potential siting of the five dwellings and an indicative height, associated parking and strategic landscaping along the northern and south eastern boundary. The following documents were submitted in support:

- Scale parameters
- Indicative layout
- Highways Network Impact Assessment
- Plan showing visibility splays

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Section 1 - Delivering Sustainable Development

Section 4 – Promoting Sustainable Transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 - Requiring Good Design

Section 8 - Promoting Healthy Communities

Section 11 - Conserving the Natural Environment

Core Strategy and Development Management Policies - North 2009

CS2: Developer Contributions

CS5: Providing Homes

CS14: High Quality Development

CS16: Landscape & Woodland

CS18: Biodiversity & Geological Conservation

DM3: High Quality Development

DM4: Development Within and Beyond Settlement Envelopes

DM14: Landscape & Woodland

DM15: Biodiversity

Development Strategy

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

| | |
|--------------------|--|
| Application Number | CB/16/04204/FULL |
| Description | Erection of 1 detached dwelling with detached triple garage. |
| Decision | Full application - refused |
| Decision Date | 25 th November 2016 |

| | |
|----------------------|--|
| Application Number | CB/16/01088/OUT |
| Description | Three detached dwellings with all matters reserved |
| Decision | Outline application - refused |
| Decision Date | 6 th May 2016 |
| Appeal Decision Date | 27 th February 2017 |

Appeal Decision Allowed with conditions

Consultees:

Parish Council
(verbatim)

Please be advised that Haynes Parish Council objects to this planning application on highway safety grounds. I attach a report detailing the full reasons & also some traffic data taken at the site recently that highlights the concerns we have. I also attach a traffic survey taken a few years ago on the A600 very close to the development, that lead to a speed limit reduction being implemented at that location.

We urge you to take careful consideration of comments made by Highways Officers & neighbours, who, we believe, share our concerns. Indeed Highways Officers objected to the last application that you refused, which was overturned on appeal.

If you are minded to approve this application we ask that a condition and/or S106 provision be put in place to improve highway safety, provide safer access to the development, & a reduction in the speed limit on the A600 at this junction.

Internal Drainage Board

No comments

CBC Ecology

No objection

A condition will be required to ensure the development offers a net gain in biodiversity

CBC Flood Risk

No objection

A condition will be required relating to sustainable drainage system

CBC Highways

No objection, subject to planning conditions to ensure the following:-

- A change in the speed limit to 40mph on High Road between the 'Fishermen's' access and Summerfield to the west and 300m to the east at the junction of Silver End Road, and the provision of a speed activated 'slow down' sign to the west.
- Full details of the access arrangements.

- Cycle parking, vehicle parking, garaging and turning in accordance with the Council's standards
- Materials storage area
- Wheel cleaning facility

CBC Pollution

No objection

A condition will be required to deal with vehicular noise from Bedford Road

CBC Trees and Landscape

No objection

A condition will be required to provide a landscape plan

Other Representations:

Neighbours and others

Objects on the following grounds in summary:-

- | | |
|------------------------|--|
| 1, 3, 4 Haynes Turn | • Principle – does not meet criteria set out in policy DM4 |
| 21 Rooktree Way | • Overdevelopment |
| | • Safety of road users |
| 80, 92, 104 Silver End | • Access and inconvenience for existing residents |
| | • Loss of light to neighbours |
| | • Effect on existing hedgerow |

Determining Issues:

The main considerations of the application are;

- 1. Principle**
- 2. Effect on the Character and Appearance of the Area**
- 3. Neighbouring Amenity**
- 4. Highway Considerations**
- 5. Other Considerations**

Considerations

1. Principle of development

- 1.1 Haynes is classified as a 'Small Village' within Policy CS1 of the Council's Core Strategy and Development Management Policies Development Plan Document (CS) and Policy DM4 notes that, 'Within Small Villages, development will be limited to infill residential development'.

- 1.2 Notwithstanding this, an application was made last year for three dwellings on the site. This was refused and was subject to a planning appeal. The appeal was allowed earlier this year at a time when the Council could not demonstrate a 5 year supply of housing. The appeal was decided in the context of a presumption in favour of sustainable development, as set out in paragraph 14 of the NPPF.
- 1.3 The NPPF carries a presumption in favour of Sustainable Development. There are three dimensions to sustainable development which require consideration such as economic, social and environmental roles. Paragraph 9 of the NPPF states that these roles are mutually inclusive and as such in order to achieve sustainable development all three of the dimensions should be sought simultaneously.
- 1.4 Although the appeal proposal conflicted with Policy DM4, in respect of the development being beyond the village envelope, in this case no adverse impacts were identified by the Inspector at the time that would arise as a consequence of the proposal for three dwellinghouses which would significantly and demonstrably outweigh the benefits of sustainable development as identified above.
- 1.5 The Council is now able to demonstrate a 5.75 years supply of housing. However, the extant permission, allowed at appeal forms a material consideration. As such, the principle of residential development on this site has been established and it is only otherwise material to consider whether the current proposal would have any greater impact on the character and appearance of the area, on the local residential amenity or highway grounds which would undermine its acceptability for additional units on this site, which is considered in the consecutive sections of this report.

2. Effect on the Character and Appearance of the Area

- 2.1 The application site is located on the edge of the village, in a gap between the village and Bedford Road. The site includes an existing access which is used for the four existing dwellings. These existing dwellings are of recent construction.
- 2.2 The current proposal extends the developable area to include the rest of the triangle of land between the existing buildings, the road and the arable fields. The submitted scale parameters indicate that there would be 2x bungalows and 3x two storey dwellinghouses, with the bungalows closest to the Bedford Road. The existing hedgerows could be retained and enhanced subject to landscape details to be submitted at reserved matters stage.
- 2.3 The previous appeal Inspector also stated in his decision that subject to a well

designed scheme, three dwellings on this site would not be out of keeping with the pattern of development in this location. The Inspector also stated that the proposed dwellings would be close to the existing built-up area of the village and cause no material harm to the open character of the countryside.

- 2.4 It is considered that in this instance the illustrative layout demonstrates that the addition of two further dwellings within a slightly larger development area would be in keeping with the pattern of development, would not result in overdevelopment and not significantly harm the character and appearance of the area.

3. Neighbouring Amenity

- 3.1 Concern has been expressed by neighbours that the proposal will cause adverse effects on the living conditions of existing occupiers due to noise or loss of privacy. In the appeal decision, the Inspector noted that, whilst appreciating these concerns, found that none of these matters could suitably addressed by detailed design and landscaping at reserved matters stage. It is considered that the same issues which are relevant with the addition of another two dwellings could also be suitably addressed by detailed design and landscaping at reserved matters stage.

4. Highway Considerations

- 4.1 The previous appeal decision identified no materially harmful issues relating to highway safety, subject to the necessary visibility splays being achieved. In his decision, the Planning Inspector also stated that in his assessment the site access could accommodate the additional vehicular movements generated by an increase from four to seven dwellings with the visibility that could be achieved at the junction and without causing material harm to the safety and convenience of existing road users or that of future occupiers.
- 4.2 The new proposal would require the same visibility splay. The highways officer has indicated that a scheme to reduce the speed limit along High Road would be a planning benefit for the wider community. However in light of the previous Inspectors findings, outlined above, this is considered unnecessary and unreasonable.

5. Planning Balance

In this case, the provision of additional housing would be a benefit to the scheme by generally helping to maintain and enhance the vitality of the village. However the extent of weight that can be applied to this benefit is limited bearing in mind that the Council is able to demonstrate a deliverable 5 year housing land supply.

Although the proposal would conflict with CSDMP Policy DM4, in respect of being development beyond the village envelope, in this case no adverse impacts would arise as a consequence which would significantly and demonstrably outweigh the benefits identified above.

6. Other Considerations

6.1 Human Rights issues:

No issues have arisen in relation to the Human Rights Act or Equality Act 2010.

Recommendation:

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 **No development shall take place until approval of the details of the appearance, landscaping, access, layout and scale of the development [and any other details required i.e. the landscaping adjoining it] within that area (herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. The reserved matters shall be in accordance with the submitted Scale Parameters schedule and the development shall be carried out in accordance with the approved details.**

Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

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 The details required by condition 1 of this permission shall include the provision of an access of 2.4m x 32.0m to the west, and 2.4m x 128.0m to the east with visibility splays clear of all obstruction. No dwelling approved under subsequent reserved matters application shall be brought into use until such time as the agreed works have been implemented.

Reason: To ensure the provision of appropriate access arrangements and associated off site highway works in the interest of highway safety (Section 7, NPPF)

- 4 Any subsequent reserved matters application shall include the following:
- Vehicle parking and garaging in accordance with the councils standards applicable at the time of submission
 - Cycle parking and storage in accordance with the councils standards applicable at the time of submission
 - An access no less than 5.0m wide for the first 8.0m into the site
 - A turning area suitable for a service/delivery sized vehicle (6.5m length) within the curtilage of the site inclusive of tracking diagrams
 - A vehicular turning area within the curtilage of all premises taking access directly from the public highway
 - Driver/driver intervisibility and driver/pedestrian intervisibility from the residential accesses within the site
 - A refuse collection point clear of the public highway and any visibility splays
 - Construction workers parking provision, loading and unloading area
 - Materials storage area
 - Wheel cleaning arrangements

Reason: To ensure the development of the site is completed to provide adequate and appropriate highway arrangements at all times (Section 7, NPPF)

- 5 **No development shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development and shall include details of the Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities.**

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: This condition is pre-commencement as water drainage must be installed before construction to ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.

- 6 The details required by condition 1 of this permission shall include a scheme for biodiversity enhancement at the site and a timetable for its delivery. The development shall be carried out as approved and in accordance with the approved timetable.

Reason: To ensure that biodiversity is properly protected and enhanced at the site in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and the National Planning Policy Framework (2012).

- 7 **Development shall not begin until a scheme for protecting the proposed dwellings from road traffic noise adjacent to the proposed development has been submitted and approved by the local planning authority. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and which shall be retained in accordance with those details thereafter.**

Reason: This condition is pre-commencement as details of any noise attenuation which may be required in the fabric of the building or within the extent of the site needs to be agreed before construction begins and to prevent nuisance from noise and to safeguard the residential amenity of future occupiers. (Policy DM3 of the Core Strategy for the North and Section 7, NPPF)

- 8 This approval relates only to the details shown on the submitted plan number P003 (site location) & Scale Parameters Schedule.

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 National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
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 permission shall not extend to the indicative layout submitted in support of this application
 - The applicant is advised that in order to comply with highways conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ
To fully discharge the highways conditions the applicant should provide evidence to the Local Planning Authority that the construction is in accordance with the approved plan, before the development is brought into use.

- The applicant is advised that no private surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system
- 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 Highways Help Desk tel: 0300 300 8049
- 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
- Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all vehicles leaving the site
- The applicant is advised that in order to achieve the vision splays in as indicated in this permission it may be necessary for vegetation overhanging the public highway to be removed. Prior to the commencement of work the applicant is advised to contact Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049 to request the removal of the overhanging vegetation on the public highway.

The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

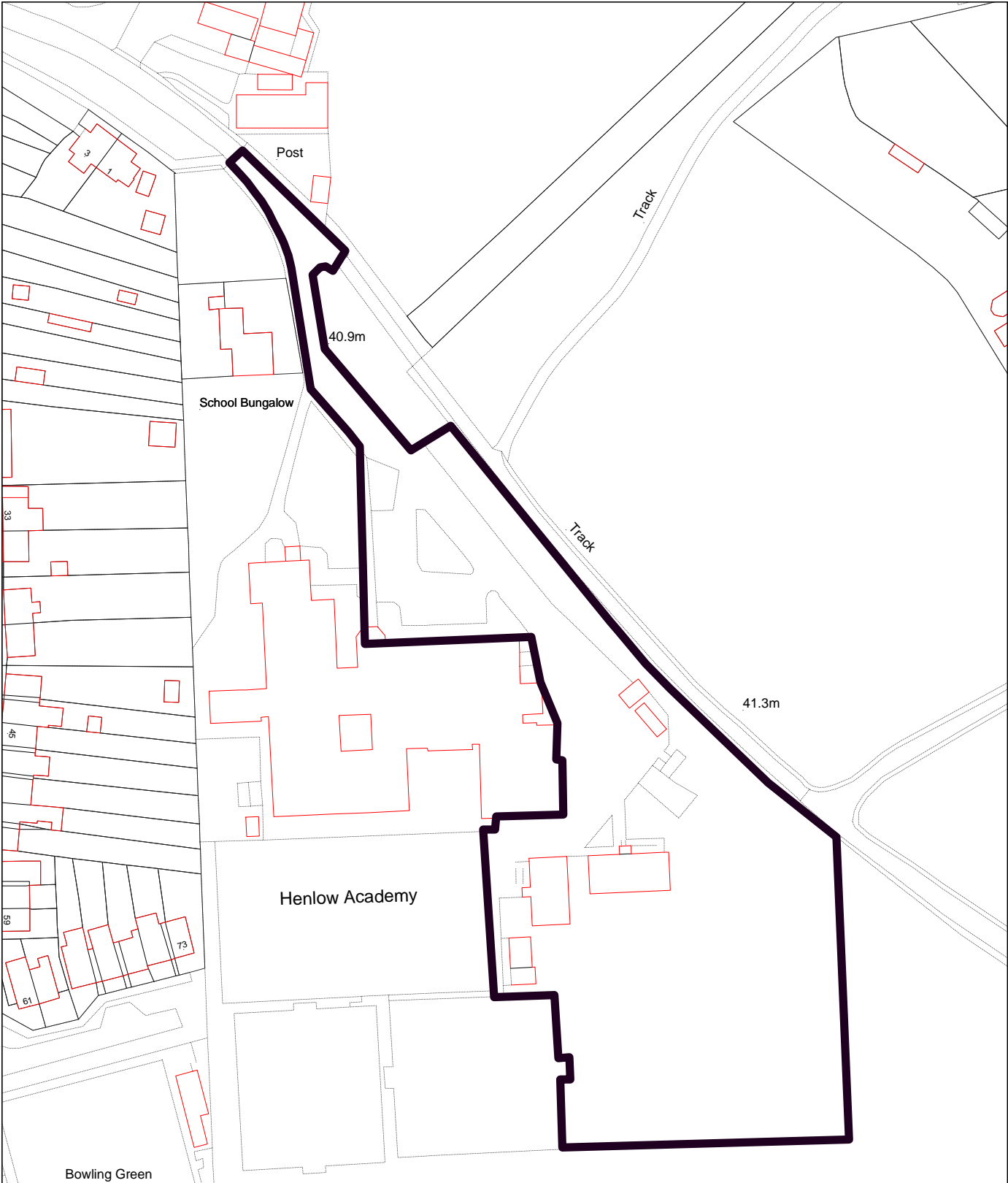
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

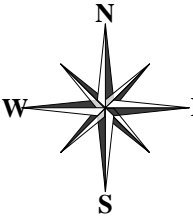
The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186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

DECISION

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|  | © Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009) | Application No. CB/17/03294/FULL |
| | Date: 24:August:2017 | |
| | Map Sheet No | |
| Scale: 1:1250 | Henlow Middle School, Church Road, Henlow, SG16 6AN | |

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|--------------------|
| Item No. 13 |
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| | |
|--|---|
| APPLICATION NUMBER | CB/17/03294/FULL |
| LOCATION | Henlow Middle School, Church Road, Henlow, SG16 6AN |
| PROPOSAL | Removal of existing two classroom modular unit. Construction of free standing four-court sports hall with changing facilities and attached two-storey six classroom block. Construction of additional car parking. |
| PARISH | Henlow |
| WARD | Arlesey |
| WARD COUNCILLORS | Cllrs Dalgarno, Shelvey & Wenham |
| CASE OFFICER | Nicola Stevens |
| DATE REGISTERED | 06 July 2017 |
| EXPIRY DATE | 05 October 2017 |
| APPLICANT | Henlow Church of England Academy |
| AGENT | PCMS Design |
| REASON FOR COMMITTEE TO DETERMINE | The proposal to increase capacity for school places and enhanced sports facilities at the school are a significant benefit to the local area. Having regard to its size, design and The development would not have |
| RECOMMENDED DECISION | Full Application - Approval |

Summary of Recommendation:

The proposal to increase capacity for school places and enhanced sports facilities at the site are a significant benefit to the local area. Having regard to the size, design and siting of the development it would not have an unacceptable impact on character of the area, on the setting of nearby heritage assets, or on the amenities of any nearby dwelling. Subject to the imposition of conditions the proposal would not have an unacceptable impact on highway safety. Overall the proposal is in accordance with the Core Strategy and National Planning Policy Framework.

Site Location:

The application site is located at Henlow Academy Church Road Henlow. The surrounding area is a mixture of residential and open land.

The site lies within the settlement envelope of Henlow. The playing fields to the south are identified in the Adopted Core Strategy as important open space and an area within it as protected recreational space. The site has a Tree Preservation Order on it. It also lies adjacent to Henlow Grange a Grade II* listed building. Footpaths directly adjoin the site to the side (east) (FP7) and to the south (FP9).

The Application:

The application seeks full planning permission for removal of existing two classroom modular unit. Construction of free standing four-court sports hall with changing facilities and attached two-storey six classroom block. Construction of additional car parking.

CBC Education team has identified a shortfall in school places for Years 4-8 within Henlow and the surrounding area. Following a detailed assessment of current and future capacity amongst the schools in the area, the Education Team has identified Henlow Academy as providing the best option for expansion of school places, in terms of space available and opportunities for extension. Therefore the present application is designed to address this shortfall.

RELEVANT POLICIES:

National Policies

National Planning Policy Framework (March 2012)

Section 1 - Delivering Sustainable Development

Section 4 - Promoting sustainable transport

Section 7 - Requiring Good Design

Section 8 - Promoting healthy communities

Section 12 - Conserving and enhancing the historic environment

Core Strategy and Development Management Policies Adopted November 2009

CS3 Healthy and Sustainable Communities

CS4 Linking Communities – Accessibility and transport

CS14 High Quality Development

CS15 Heritage

DM2 Sustainable construction of new buildings

DM3 High Quality Development

DM4 Development Within and Beyond Settlement Envelopes

DM5a Important open space

DM13 Heritage

Emerging Development Strategy for Central Bedfordshire 2014

The Council is currently consulting on its Regulation 18 Draft Local Plan for a period of eight weeks until 5pm Tuesday 29th August. The Draft Local Plan sets out how Central Bedfordshire will develop over the period to 2035. It identifies a range of homes and jobs to be provided, outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. Taken together the Draft Local Plan will ensure that the growth we need is delivered in the right place, is of the right character and quality, and is delivered with the supporting roads, schools and services such as health, as well as retail, leisure and community facilities. Although the Plan itself is still at a relatively early stage of preparation and therefore the weight which can be attributed to individual policies is limited, it would be prudent to have regard to the Council's emerging strategy, and in particular the direction of travel of the Local Plan.

Supplementary Planning Guidance

Central Bedfordshire Design Guide Adopted 18 March 2014

Planning History

None relevant

Representations: (Parish & Neighbours)

| | |
|---|---|
| Henlow Parish Council | No comments received |
| Neighbours Site notice 28.7.17 Press notice 28.7.17 | <p>Two objections have been received from residents of Groveside, concern is raised in respect of the following matters:-</p> <ul style="list-style-type: none"> • Increased traffic movements and congestion during morning and afternoon peak hours along Groveside and Church Road; • Harmful highway and pedestrian safety impact associated with increased traffic and vehicles manouvering; • Inadequate space for emergency vehicle access; • Road improvements are required prior to expansion of the school. |

Consultations/Publicity responses

| | |
|----------------------|--|
| Sport England | <p>Sport England raises <u>no objection</u> to this application as a statutory consultee which is considered to meet exception E5 of our adopted Playing Fields Policy and paragraph 74 of the NPPF, subject to a planning condition being imposed relating to a community use agreement as set out in this response. The principle of the application is <u>supported</u> as a non-statutory consultee. An informative is requested to be added in relation to sports facility design.</p> |
| Historic England | No comments to make |
| Ramblers Association | No comments received |
| Pollution team | No comments to make |
| Leisure Officer | <p>Leisure supports this development.</p> <p>Both Sport England and Leisure have been previously consulted on this scheme and Leisure has no objection as long as Sport England agrees that the hall design is devised in accordance with their recommendations.</p> <p>Also previously agreed and outlined in the proposal is the provision of a community use agreement and this will need to be established as a requirement of the development.</p> |
| Education Officer | <p>The construction of the additional classrooms and sports facilities at Henlow Middle School will enable the school to accommodate additional children from September</p> |

2017. There is a clear need for the expansion to meet demand for places and the statutory duty of the authority to provide school places. The proposal to expand the school was approved by Executive at its meeting on 20 June 2017.

Highway Officer

The existing is a 600 pupil capacity school with pupils starting at 08.45 and finishing at 15:45, with afterschool classes finishing at 17:00hrs. The equivalent number of full time staff is 59, with 42 vehicle parking spaces, 12 cycle spaces and 1 disabled parking space on site. There are also 4 buses that currently enter the site, 3 arrive at 08.35 and leave at 15:40, and 1 arrives at 8:40 and leaves at 15:45. The current hall on site measures 130m² and the current gym measures 200m².

The site is accessed from a narrow 30mph road, which has traffic calming speed humps at the junction with the High Street. By vehicle this is the only means of access to the school, with the public highway ending at the school, where the road splits and a private access runs parallel to the school. At close proximity to the junction with High Street, is Park Lane, both the High Street and Park Lane are the vehicular means of access to Church Road. There is an informal arrangement with the school and Boyd campsite activity centre, and with Henlow Pavilion that the cars parks can be used as a dropping off point, both of which are close to the school. Groveside is the vehicular means of access to Henlow Pavilion, this is a road with heavy on street parking as many of the properties do not have on site parking provision.

The proposal is to extend the pupil numbers over the course of 3 years by 120, including an additional 6 to 8 staff. Two classes will be removed and a 6 classroom block including a 4 court sports hall and additional parking provision is proposed. This equates to a total of 720 pupils, 67 full time staff equivalent, an additional 13 vehicle parking spaces, 8 cycle parking spaces, 1 disabled space, 1 additional bus and a 690m² sports hall (the total sports hall area is 982m²).

As the site has an existing use, and the proposal is additional to this, I can not take into account the existing use when calculating the requirements for the site, any assessment calculation can only be on the proposal. Therefore the increase to what exists is 120 pupils, 7 staff, 4 classes, 360m² sports hall, 1 bus, 13 vehicles parking spaces, 8 cycle parking spaces and 1 disabled bay.

Note: the sports hall is being promoted to be open for use to the community after peak times from 18:00hrs to 22:00hrs weekdays.

A transport statement has been submitted as part of the proposal and this shows the RFC value for the junctions during peak school times, with the increase of traffic, will be an acceptable level so as not to cause an issue.

Using the Councils current parking guidance for schools, 3 staff parking spaces are required, 1 visitor space and 6 parental spaces; 10 spaces in total. The proposal has 14.

The current statement also provides a survey of means of travelling to/from the school, which equates to an increase of 12 additional vehicle trips by teachers (6 each way), (although most teachers will be at the school prior to the peak vehicle times), and 108 (54 each way) additional vehicular trips by parents bringing their children to school, and the same for picking their children up.

Note: this will not be all together as it will be dispersed over the peak time, and in the afternoon some children will stay for after school clubs, and these figures are based on one pupil per car where there could be more than 1 pupil passenger which would reduce the trip generation. This is also over the course of 3 years. With a robust travel plan and careful management of it, which can be dealt with by a condition, the increase in traffic over a 3 year period is acceptable.

The proposal has also included a travel plan which could be more robust to promote car share and other sustainable means of travelling to school. A park and stride option has been put forward, although it appears this is existing. This promotes the dropping off of children at the Boyd Centre or Henlow Pavilion and the children walking a short distance into the school. It is more likely the Boyd Centre will be used as it is the closest route for vehicles, then the school and Henlow Pavilion which requires a drive to the far end of Groveside to use this car park.

Henlow Pavilion has marked parking bays and it can be seen on site that pupils who are dropped off here walk along adjacent to the bowling green (south side of the road) and cross Groveside using the drop crossing for no. 63 and proceed on the footway to the school gates. A footway should be provided for this route.

The car park of the Boyd Centre is surfaced in loose material with no formal parking bays. To enhance the use of this car park, it should be managed during drop off times so that vehicles can pull in, drop off children, and pull out again as soon as they are able without causing congestion. The children should be dropped off where

they are not in conflict with manoeuvring vehicles in the car park. This can be part of the travel plan. It is noted that there is not any footway refuge or pedestrian drop crossing from the Boyd Centre to the footway into the school. This can be rectified with a condition.

The current parking guidance for sports facilities (the sports hall) which will be open for public use, is 1 parking space per 5m², therefore the additional 360m² will require an additional 75 parking spaces to the parking provision which is existing. This equates to a shortfall of 61 parking spaces for the community use sports hall. I am unsure of how successful the use of the sports hall will be to warrant an additional 61 parking spaces? Maybe this is something that could be monitored? Can a condition be included for this? Some additional informal bod paved spaces, (15 to 20) could be provide adjacent to the emergency vehicle grasscrete route, and these could also be used as overflow spaces during parent evenings and the like.

The proposed parking and turning layout is incorrect. It requires any vehicle entering the parking area, and not finding a space to reverse into the 'roundabout', this is similar for the buses that drop off the children which will either have to reverse into the 'roundabout' to turn and leave the site in forward gear, or reverse from the 'roundabout' into the parking spaces. This is not acceptable especially with vulnerable children in the vicinity of manoeuvring vehicles. The proposed parking layout should be flipped so that a turning area/ 'roundabout' is at the far end of the parking provision. This can be dealt with by a condition.

It is noted that the OSC requests that school zones are 20mph. There is traffic calming at the junction with the High Street that will slow vehicles down when entering Church Road. The school is located on a no through road, which is both narrow and has in places on street parking, and in peak times, with school traffic the speed limit of 20mph (and probably below this) will be self regulating. Therefore I do not believe there is any reason to reduce the speed limit of Church Road.

There is also some concern regarding on street parking and safety of residents at Groveside. The increase in traffic generation will be minimal, and there are no reported accidents to date along this stretch of road. It is probable that because of the on street parking issues and narrowness of the road, vehicles using Groveside, which is public highway , will do so at a slower speed than 30mph and will be more cautious and aware of their

surroundings than they would on an 'open' road with vehicles parked on dwelling frontages.

The school is existing, and the residents will be aware of the 'vehicular uniqueness' at peak school times, of living in the close proximity to a school. There is no TRO that can be included as part of the proposal that would not have an adverse affect on the residential parking provision of Groveside.

Therefore the proposal is assessed as acceptable.
Please include the following in any permission issued:

1. Prior to the development being brought into use details of an additional 14 parking spaces, parking provision for 5 buses and a turning head/informal roundabout and 20 informal overflow parking spaces and access thereto shall be submitted to and approved in writing by the local planning authority and the parking spaces and turning area shall be constructed in accordance with the approved details before the development is occupied. Reason To provide on site adequate parking provision for the avoidance of obstruction to the highway, and adequate on site turning provision in the interest of safety

2. Prior to the development being brought into use a 1.5m wide footway shall be provided on the south side of Groveside and adjacent to the bowling green, from the Henlow Pavilion car park, to a drop kerb crossing point opposite no. 63 Groveside and joining with the existing footway. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.
Reason In the interests of road safety and pedestrian movement.

3. Prior to the development being brought into use details of a 2.0m wide footway/pedestrian refuge and dropped kerb pedestrian crossing on the east side of the west access of the Boyd Centre, and a pedestrian drop crossing and footway opposite to join with the existing footway, shall be submitted to and approved in writing by the local planning authority, and the footway and drop crossing shall be constructed in accordance with the approved plans prior to the development being occupied. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.
Reason In the interests of road safety and pedestrian movement.

4. Before the development is brought into all on site vehicular areas shall be surfaced in a stable and durable materials in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.
Reason To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits

5. Prior to development a construction traffic management plan including the following, shall be submitted to and approved by the local planning authority

- ☐ Construction worker parking and delivery loading and unloading area
- ☐ Site storage area
- ☐ Turning area within the site
- ☐ Times of deliveries
- ☐ How the public highway is to be maintained free of any mud, debris or extraneous materials from the demolition/construction period
- ☐ Any temporary highway traffic management (vehicular and pedestrian) the construction management plan shall be implemented during the demolition/construction period in accordance with the approved details

Reason To ensure the safe operation of the surrounding road network in the interests of road safety

NOTES TO APPLICANT

☐ The applicant is advised that in order to comply with Condition 2** and 3** of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ
To fully discharge condition 2** and 3** the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction in accordance with the approved plan, before the development is brought into use

☐ The applicant is advised that the requirements of the

New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Highways Help Desk tel: 0300 300 8049

□ 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

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

□ The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

Comments and advice in this memo are based on the information supplied in the planning application and accompanying documents/plans and no liability is accepted for any inaccuracy.

Travel Plan Officer
Conservation Officer
Rights of Way Officer
Tree Officer

No objection suggest condition and note

No objection

No comments received

Trees on site are protected by Preservation Order but should be at a distance that will prevent damage by construction works. Additional car parking will be relatively close to protected trees and as such to prevent accidental damage to rooting systems by plant or material storage we would require the trees in proximity to be fenced off using tree protection fencing at a distance and detail shown in BS5837 2012 Trees in relation to Design, Demolition and Construction. Recommendations.

Suds Officer
Emergency Response
Planning Officer

No comments received

Information supplied on formal guidance and requirements. Suggest where possible consideration be given to access for hydrants

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Visual impact and setting of adjacent listed building
3. Residential amenity
4. Highways
5. Other issues

Considerations

1. Principle of development

- 1.1 The site falls within the Henlow Settlement Envelope where Policy DM4 of the Core Strategy states that 'within settlement envelopes, the Council will support schemes for community, education, health, sports and recreation uses or mixed community and other uses where a need for such facilities is identified through the Infrastructure Audit or up to date evidence'.
- 1.2 Part of the site is protected as an open space under policy CS3 which states that 'The Council will ensure that appropriate infrastructure is provided for existing and growing communities by safeguarding existing and community, education, open space, recreation sports play and health facilities' and 'supporting in principle, the upgrading of community, education, open space recreation, sports, play and health facilities'.
- 1.3 The site is also an important open space. Policy DM5 of the Core Strategy states that the Council will protect designated important open space within settlement envelopes by refusing planning permission where proposals would result in the loss of important open space and this would have an unacceptable adverse impact on its value either in visual or functional terms. Redevelopment or partial redevelopment of an important open space will only be considered favourably:
 - where proposals would result in enhanced provision in functional terms (both the facility itself and its location,
 - where there are exceptional circumstances resulting in overall community benefit;
 - where there would be no adverse effect on the visual quality of the settlement.
- 1.4 Para 74 of the NPPF states that 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss'.
- 1.5 The Academy currently has capacity for 600 pupils and this will temporarily increase to 720 over the next two years. The Academy has, at the request of

the Council, been selected to take additional pupils for a time frame of some 5 years from September 2017 to July 2022. This is to address a shortfall in pupil capacity in the wider area. As such a new classroom block is proposed. Without increasing pupil capacity now, the Local Authority area will have a significant shortfall in school places over the age ranges in Years 5-8 over the coming 2-5 years.

- 1.6 In addition the Academy has recognised the need to provide adequate sporting facilities for pupils, and in particular for the increase in pupil numbers. An additional benefit is the opportunity to offer this additional sport and recreational provision to the local community. Furthermore the Academy has some classroom provision which is inadequate or too small and the existing hall is significantly too small (internal height at 6m does not comply with Sport England recommendations). The Sport Statement also states that the hall will be required to function as a dining room because of the temporary increase in pupil numbers.
- 1.7 This application relates to the provision of a new indoor sports facility on the existing playing field at Henlow School. The proposed location of the new development is on the edge of the school playing field, adjacent to an existing Multi Use Games Area (MUGA). However, the new indoor sports hall will compensate for any loss of outdoor recreational space by allowing a wide range of indoor sports to be played. The 6 classroom block is required urgently to cater for the increase in pupil numbers which will take place in the academic year 2017-2018 onwards, and also to compensate for the removal of one of the modular classroom units which provides inadequate accommodation. The Education Officer is in support of the application.
- 1.8 Sport England has confirmed support for the proposal having made the following comments:
- 1.9 · *School Benefits: A new four (badminton) court sports hall would be provided. This would provide a modern indoor sports facility for meeting the school's curricular and extra-curricular PE and sport needs. At present, the school uses its school hall for indoor sport which was not designed for this purpose. The school hall space is not large enough for many of the indoor sports and can only accommodate one class at any one time. The hall is also used for range of other activities which compete for its use and this will be aggravated when it also has to be used as a dining room to accommodate the temporary increase in pupil numbers that are proposed. The proposed sports hall would address the capacity and quality deficiencies of the school hall and provide a modern sports hall that would accord with Sport England's design guidance in many respects. In particular, it would meet Sport England's recommended dimensions for a 4 court hall and would be suitable for meeting the school's requirements for a wide range of indoor sports. The new changing facilities would offer modern facilities that would help encourage participation in sport and physical activity by students and could also be used for supporting the outdoor sports facilities;*
- 1.10 · *Community Benefits: While the sports hall has been proposed mainly for meeting the school's needs, it would offer benefits to the community as it*

would made available for community use outside of school hours and in many respects its design and layout is suitable for community use. The school's hall is already used heavily by the community for a range of sports and activities despite the constraints imposed by its size and quality. The new facility would allow the school to improve facilities for existing community users and extend access to new community users due to the wider range of activities that the sports hall could support plus its increased capacity. Central Bedfordshire Council's Leisure Facilities Strategy (2013) assessed community sports facility needs in the area and while it did not identify a need for additional sports halls in this area, policy N13 supported improved public access to existing school sports halls in the eastern part of Central Bedfordshire which includes Henlow. The development of a new school sports hall that would be made available for community would be considered as responding positively to an identified local need for increased community access to school sports hall provision and would help address unmet demand in the Henlow area and reduce the need for residents of this area to travel to the nearest existing comparable facilities in Shefford or Stotfold. The proposed internal clearance height (6.7m) of the sports hall would restrict the competition level for several sports and would not be ideal for meeting the needs of some sports such as badminton but would be acceptable for casual use and lower level club training. It is proposed that the sports hall would be available until 10.00 p.m. in the evenings and during weekends which would cover the peak periods of community use. The additional car parking sited adjoining the sports hall would help facilitate community use.

1.11 Impact on Playing Field

In relation to the impact on the playing field, the sports hall, classroom block and car parking would be sited on in the northern part of the playing field that is currently used for training grids in the winter and a long jump pit and shot put throwing area in the summer. These facilities would be lost as a result of the proposals. However, the main winter playing pitches (football and rugby) and summer facilities (cricket and running track) to the south of the playing field would not be affected by the proposals. As set out above, the changing facilities and car parking would improve ancillary facilities for the users of the playing field.

1.12 Community Use Agreement: A condition requiring a community use agreement for the school's sports facilities to be submitted and approved by the local planning authority (in consultation with Sport England) prior to first occupation of the development in order to ensure that community access to the sports hall and other school sports facilities are secured in practice. A community use agreement sets out a school's policy and arrangements for community use of its sports facilities and covers matters such as hours of use, types of bookings accepted, restrictions on community use etc. The agreement is usually between a school and the relevant local authority (i.e Central Bedfordshire Council). Sport England regularly secures the completion of such agreements through planning conditions on planning permissions for school developments. While it is acknowledged that community access arrangements are already in place for the school's existing sports facilities, such a condition is justified to avoid a scenario where community access (outside of school hours) to the proposed facilities does

not take place (or is significantly restricted) following the implementation of the proposed development and to ensure that the community use arrangements are safe and well managed. Without suitable community access being secured over a long term period in practice, one of the principal sports development benefits of the proposals would not be realised. Furthermore, securing community access to the facility would help deliver the Council's leisure facilities strategy. A community use agreement also provides clarity and formalisation with respect to community access arrangements for all parties.

1.13

In conclusion Sport England considers that the potential sports development benefits that the proposed sports hall would offer would clearly outweigh the detriment caused by the impact on the playing field. It is therefore considered that the proposal would meet exception E5 of its playing fields policy. As such Sport England has no objection subject to condition being attached to any approval which requires the provision of a community use agreement to ensure the new sports hall is used to serve the local community. This is reiterated by the Leisure Officer who also has no objection.

1.14

With regards to policy DM5a relating to important open space, the new building will provide enhanced provision of teaching space and sport provision at the school, the applicant puts forward that there is an exceptional circumstance as an increase in pupil capacity is required in the area, and the building is immediately adjacent to the existing school two storey elevation. Its wider visual impact will be assessed further below.

1.15

Based on the above, in principal the provision of a new sports hall and additional classrooms together with associated parking would be sound, provided it meets specific issues identified below.

2. Visual impact and setting of adjacent listed building

2.1 Siting and Design

The proposal is for a new four court sports hall and two storey classroom extension. The sports hall is the most noticeable architectural feature in terms of height and scale. A curved roof is proposed to soften the largest element of the building form. Whilst this does not match the existing flat roofed school buildings this was felt to be a better solution visually rather than a flat roof or a low-pitched industrial style roof. Sport England normally require 7.5m internal height but this proposal has been kept at 6.7m due to the sensitive relationship with Henlow Grange together with the location of the changing rooms which are the nearest element to the adjacent listed building and single storey only. The design has been created so that out of hours and weekend community users can gain exclusive access to the sports hall and changing facilities without entering the classroom block.

2.2

With regard to the design and layout of the sports centre Sport England states that the proposal is considered to accord with its design guidance in many respects and there has been significant engagement between the applicant and Sport England at pre-application stage in relation to design and layout considerations in order to ensure that the design is compliant with its guidance as far as possible. Sport England acknowledges the budgetary and heritage constraints which have prevented the design and layout from fully according

with Sport England's guidance (e.g. the restricted internal clearance height proposed in response to protecting the setting of the nearby Henlow Grange) and therefore compromises have had to be made to achieve an acceptable design within the budget available.

- 2.3 In order to help ensure that the detailed elements (such as internal flooring and lighting specifications) of the design of the sports hall are fit for purpose, Sport England request that an informative be added to a decision notice if the application is approved advising that the sports hall should be designed in accordance with Sport England's relevant design guidance notes.
- 2.4 The building will be closely associated with the existing school buildings separated by the modular unit to be retained. The two storey classroom will be 6.1m high with a flat roof. The sports hall will measure 7.3m to the eaves and approx. 9m to the ridge. The applicant states that by way of comparison the existing two storey school buildings nearby have sections which are approx. 6.8m high. To take into account surface water drainage the FFL of the building will be 150mm above ground level. This is 100mm above the FFL of the main school building.
- 2.5 Materials proposed aim to assimilate the new development with the existing school in terms of its wider visual impact on the character and appearance of the area. These are similar matching brickwork to the school, with the massing broken up at first floor level with the use of cladding (with a lightweight metal coating) and brick columns and a zinc roof. Full length glazing is also used as a link between the sports hall and classrooms. An external stairwell is provided for means of escape.
- 2.6 The proposal is for a substantial two storey building with the sports hall exceeding the height of the existing school buildings due to practical requirements of use. As there is a public footpath along the school playing field boundary it will be clearly visible in the public realm. However the building and car park extension are both offset from that boundary along which there exists large mature trees which act as a natural separation between school grounds and Henlow Grange and will help to soften its wider visual impact and the design and detailing is considered appropriate in the context of the main school buildings. As such it is not considered that there would be any significant adverse visual impact on the character and appearance of the area.

Trees

- 2.7 There are a number of large trees on the site covered by a Tree Preservation Order. The building will be sited sufficient distance away such that they will be unaffected. The Tree Officer has no objection to the proposal and suggests a condition is attached to protect trees during construction.

Setting of listed building

- 2.8 The Local Planning Authority has particular duties when considering applications that affect the setting of listed buildings. These are set out in the Planning (listed Buildings and Conservation Areas) Act 1990. Section 66 states that... 'In considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting...'

- 2.9 The NPPF reinforces the statutory weight given to heritage assets. At para 129 it states that Local Planning Authorities should 'avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Para 132 states that when considering the impact of development...great weight should be given to the asset's conservation. Substantial harm to or loss of designated heritage assets of the highest significance, notably ...grade II* listed buildings, should be wholly exceptional. At para 134 it states that 'harm may be weighed against the public benefits of a proposal where the proposal will lead to less than substantial harm.

- 2.10 The Academy building is within the vicinity (200m) of Henlow Grange a Grade II* Listed building now used as a spa as well as the stable block (grade II) and the gates to the historic buildings (grade II). Henlow Grange is a mid 18th century small country house of red brick with chequer work patterning. Historically it would have sat in parkland including a formal avenue of trees to the south west. There has been extensive modern development including the school which has brought the village boundary closer to the Grange and encroached on its historic parkland.

- 2.11 The applicant has submitted a letter from Historic England sought at pre-application stage which has no objection to the proposal. Whilst broadly supportive of the building in principle because Henlow Academy is constructed on the parkland which was originally part of Henlow Grange, it was stated that a building with a low profile not significantly higher than the existing two storey element of the existing school building would be most acceptable. Given its location close to the existing school buildings it is not considered likely to result in harm to the grade II* listed building. If the Council identify any harm it is suggested this would be less than substantial and that this harm be weighed against the public benefit. As a consultee of the planning application Historic England has no comments to make.

- 2.12 The Conservation Officer confirms that proposed development would not cause significant harm to the setting of the listed buildings and only a small perceived impact would be seen in terms of encroachment within the setting, however, this is considered limited. Less than substantial harm would be outweighed by the public benefit of the proposal which, in this instance include the provision of additional classroom provision and sports hall the latter to also serve the wider community within the limits of an existing settlement. On balance it is considered that the less than substantial harm caused does not amount to justification to refuse the application on harm to the setting of the adjacent listed building.

3. Residential amenity

- 3.1 The site is bounded by residential properties to the west. The sports hall and classroom extension will be well offset from that boundary. It is considered that there will be no adverse impact on surrounding neighbouring amenity in terms of light, privacy or overbearing impact as a result of this application due to the distances and relationships involved.
- 3.2 In terms of noise and disturbance on surrounding residential properties, any additional activity on the site as a result of the sports hall being used for

community use in terms of extended hours and increased use of the vehicular access are considered to be minimal. The proposed opening hours for the hall are between 8am and 10pm daily, given the distances from surrounding residential properties it is not considered necessary to restrict opening hours by condition. The Pollution Officer has not objected to the proposal.

4. Highways

4.1 The supporting documents state that the CBC Highway Department was consulted at the pre-application stage and requested that four issues be addressed as part of the application:

- A Transport Statement and Travel Plan has been submitted in support of the application.
- ensure that the school can accommodate any potential increase in the number of school buses that may be generated
- requirements for extra waiting restrictions around the school including Groveside should be considered
- longer term provision should be made for any out of hours community use to ensure that traffic and parking are effectively management.

4.2 Vehicular access will remain unaffected. The existing car park has 42 spaces and 1 DDA space, this will be increased by 14 new spaces 1 of which will be DDA to accommodate extra staff and visitors to meet CBC adopted parking guidelines. Four of the visitor spaces (marked 11-14 on drg 453-110B) will double as a bus/coach waiting area (within restricted times). The existing bike shelter will be relocated and a new one provided. A new turning circle will be created and in consideration of emergency vehicles a grass road. The bin store will be re-sited into a location on the edge of the turning cycle so it is accessible for refuse vehicles. The applicant states that it is proposed to improve vehicular and pedestrian access as a result of this proposal, and safe separation of pedestrians and moving vehicles has been carefully considered.

4.3 The applicant states that detailed consideration has been given to the various transport impacts of the proposals. A new Travel Plan has been submitted as part of this application which addresses the issues arising from the Monday to Friday term time travel to and from school for pupils and their parents/guardians, with targets and goals to reach in terms of sustainable transports to school. The revised Travel Plan makes reference to the new bike shelter and a new free bus service between Fairfield park & Henlow Academy.

4.4 A Transport Statement has also been submitted. It assesses the accessibility of the site by all modes of travel, considers road safety, provides anticipated trip generation associated with the site, junction capacity and parking requirements. The applicant states that the extended car park and total number of parking spaces available will satisfy CBC standards at the peak of the bulge in pupil numbers/staff. The revised Transport Statement sets out the results of a 'Manual Classified Traffic Count Undertaken at the A6001/Church Road Junction which indicates that the junction does and will continue to operate well within capacity. The Transport Statement concludes that the proposals are likely to result in a small increase in vehicular trips on the highway network over a temporary period and, in accordance with para 32 of the NPPF, the residual cumulative impacts of the development are not severe.

- 4.5 Concerns have been raised that the Transport Assessment and Travel Plan are inadequate with no consideration of the recommendations from the Council's Overview and Scrutiny Committee (OSC) (outcomes of the scrutiny enquiry of school's parking) on travel improvements when schools are extending, including 20mph zones, completion of safer route to school along Church Road, parking considers only incremental impact and should be rebased on current policy (for all staff). Concerns are raised by residents in Groveside in respect increased traffic movements and associated highway safety and pedestrian safety at school arrival and pick up times. A 60 signature petition was presented to Henlow Parish Council in June 2017.

- 4.6 At the time of writing this report no comments had been received from Henlow Parish Council.

- 4.7 The Education Team has confirmed that the initiatives set out by the OSC and reported to the Council's Executive recently make a number of recommendations relating to schools and how they manage parking. The recommendations have to be balanced against the identified need for additional school places in the area. Moreover, many of the issues outlined by OSC are not applicable to the consideration of a planning application and relate to the Highway and Education services of the authority or to parking enforcement. Those relating to planning are:

- 4.8 Travel plans- including allocation of a designated member of staff to manage collection and drop off of children at the start of and end of the day; promotion of walking buses where practical and; minimising where possible short distance car journeys. The Travel Plan Officer has stated that some further improvements are needed to the Travel Plan including clarification on cycle parking to ensure it meets standards, this can be covered by an appropriately worded condition.

- 4.9 Planning conditions - to be attached where considered necessary to make the development acceptable. Provision for school buses, access and turning wherever possible - it is part of the planning process to consider school access as part of planning applications. In this particular case the Highway Officer has considered the recommendations from OSC regarding parking issues around schools and raised no objections to this proposal, subject to conditions requiring

- A revised parking layout
- Provision of a 1.5m wide footway in Groveside
- Provision of a 2.0m wide footway/refuge in Church Road
- Surfacing details
- Construction Traffic Management Plan

- 4.10 In conclusion, given the above and that no objections are raised by the Highway Officer the proposal is viewed as being acceptable in relation to the highway implications of the development.

5. Other issues

- 5.1 The land is owned by the Diocese of St Albans. The applicant has submitted a letter of support from the Vicar of Henlow in support of the application.
- 5.2 The adjacent public footpath would be unaffected. The Footpath Officer has not objected to the proposal.
- 5.3 A Flood Risk Assessment and Surface Water Management document has been submitted in support of the application. This sets out the flood risk management for the development, including design of sustainable surface water drainage. The applicant has stated that this has been taken into account during design of the building, and the method of disposing of surface water is shown on the planning drawings. In summary, the strategy for the site is to provide infiltration drainage (soakaways) and to use a permeable surface for the emergency access route across grassed areas. The school will maintain the surface water on the site. The Drainage Officer has not objected to the proposal.
- 5.4 Based on the information submitted there are no known issues raised in the context of the Human Rights/The Equalities Act) and as such there would be no relevant implications.
- 5.5 There are no further considerations to this application.

Recommendation

That Planning Permission be Approved 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 **Notwithstanding the details submitted, no development shall take place until details of the existing and final ground and slab levels of the building 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 in

accordance with policy DM3 of the Core Strategy and Development Management Policies (2009) and Section 7, NPPF.

- 3 The external finishes of the development hereby approved shall be constructed in accordance with the details shown on drg no's. 453.105 Rev B and 453.112 Rev B and described in Q9 'Materials' of the application form. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009) and Section 7, NPPF.

- 4 No occupation shall commence of the development hereby permitted until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the sports hall, playing fields, multi-use games area and school hall and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and in accordance with policy CS3 of the Core Strategy and Development Management Policies (2009) and Section 8, NPPF.

- 5 Before the building is first brought into use, a Travel Plan shall be prepared and submitted to and approved by the Local Planning Authority. The plan shall contain details of:

- plans for the establishment of a working group involving the School, parents and representatives of the local community
- pupil travel patterns and barriers to sustainable travel
- measures to encourage and promote sustainable travel and transport for journeys to and from school
- an action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review
- measures to manage the car parking on site

All measures agreed therein shall be undertaken in accordance with the approved Plan. There shall be an annual review of the Travel Plan (for a period of 5 years from the date of approval of the Plan) to monitor progress in meeting the targets for reducing car journeys generated by the proposal.

Reason:

In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport in accordance with policies CS4 and DM3 of the Core Strategy and Development Management Policies (2009) and Sections 4 and 7, NPPF.

- 6 No equipment, machinery or materials shall be brought on to the site for the purposes of development until substantial protective fencing for the protection of any retained trees (covered by the Tree Preservation Order) has been erected in positions that will prevent damage by construction works. The Tree protection fencing shall be erected at a distance and design shown in BS 5837 of 2012 or as may be subsequently amended. 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 The existing modular unit shown omitted on drg no 453.101 Rev A (proposed block plan) shall be demolished and all resultant detritus completely removed from the site prior to the commencement of building works.

Reason: In the interests of the visual amenities of the area and for the avoidance of doubt in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009) and Section 7, NPPF.

- 8 Prior to the development being brought into use details of an additional 14 parking spaces, parking provision for 5 buses and a turning head/informal roundabout and 20 informal overflow parking spaces and access thereto shall be submitted to and approved in writing by the local planning authority and the parking spaces and turning area shall be constructed in accordance with the approved details before the development is occupied.

Reason

To provide on site adequate parking provision for the avoidance of obstruction to the highway, and adequate on site turning provision in the interest of safety
(Policy DM3 of the Core Strategy and Development Management Policies (2009))

- 9 Prior to the development being brought into use a 1.5m wide footway shall be provided on the south side of Groveside and adjacent to the bowling green, from the Henlow Pavilion car park, to a drop kerb crossing point opposite no. 63 Groveside and joining with the existing footway. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.

Reason

In the interests of road safety and pedestrian movement.

(Policy DM3 of the Core Strategy and Development Management Policies (2009))

- 10 Prior to the development being brought into use details of a 2.0m wide footway/pedestrian refuge and dropped kerb pedestrian crossing on the east side of the west access of the Boyd Centre, and a pedestrian drop crossing and footway opposite to join with the existing footway, shall be submitted to and approved in writing by the local planning authority, and the footway and drop crossing shall be constructed in accordance with the approved plans prior to the development being occupied. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.

Reason

In the interests of road safety and pedestrian movement.

(Policy DM3 of the Core Strategy and Development Management Policies (2009))

- 11 Before the development is brought into all on site vehicular areas shall be surfaced in a stable and durable materials in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason

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

(Policy DM3 of the Core Strategy and Development Management Policies (2009))

- 12 Prior to development a construction traffic management plan including the following, shall be submitted to and approved by the local planning authority
- Construction worker parking and delivery loading and unloading area
 - Site storage area
 - Turning area within the site
 - Times of deliveries
 - How the public highway is to be maintained free of any mud, debris or extraneous materials from the demolition/construction period

- Any temporary highway traffic management (vehicular and pedestrian)

the construction management plan shall be implemented during the demolition/construction period in accordance with the approved details

Reason

To ensure the safe operation of the surrounding road network in the interests of road safety.

(Policy DM3 of the Core Strategy and Development Management Policies (2009))

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

453.100 Rev A

453.101 Rev A

453.103 Rev A

453.104 Rev B

453.105 Rev B

453.106 Rev A

453.107 Rev B

453.108 Rev B

453.109 Rev B

453.110 Rev B

453.111 Rev A

453.112 Rev B

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RGL-17-2626-01 Sheet 3 of 6

RGL-17-2626-01 Sheet 4 of 6

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RGL-17-2626-01 Sheet 6 of 6

Planning Statement

Design & Access Statement

Sports Assessment

Flood Risk Assessment

Geotechnical Site Assessment Report 17 May 2017

Transport Statement July 2017

Travel Plan June 2017

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 National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
3. You are advised to note the comments of Sport England as follows: *The applicant is advised that the design and layout of the sports hall should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to the “Sports Hall Design & Layouts” design guidance note <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/sports-halls/>.*
4. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

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

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

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

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

5. You are advised to note the comments of the Emergency Response Planning Officer as set out in the attached letter.
6. The applicant is advised that further information regarding the updating of the School Travel Plan is available from the Transport Strategy Team, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, and Bedfordshire, SG17 5TQ.

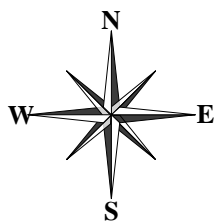
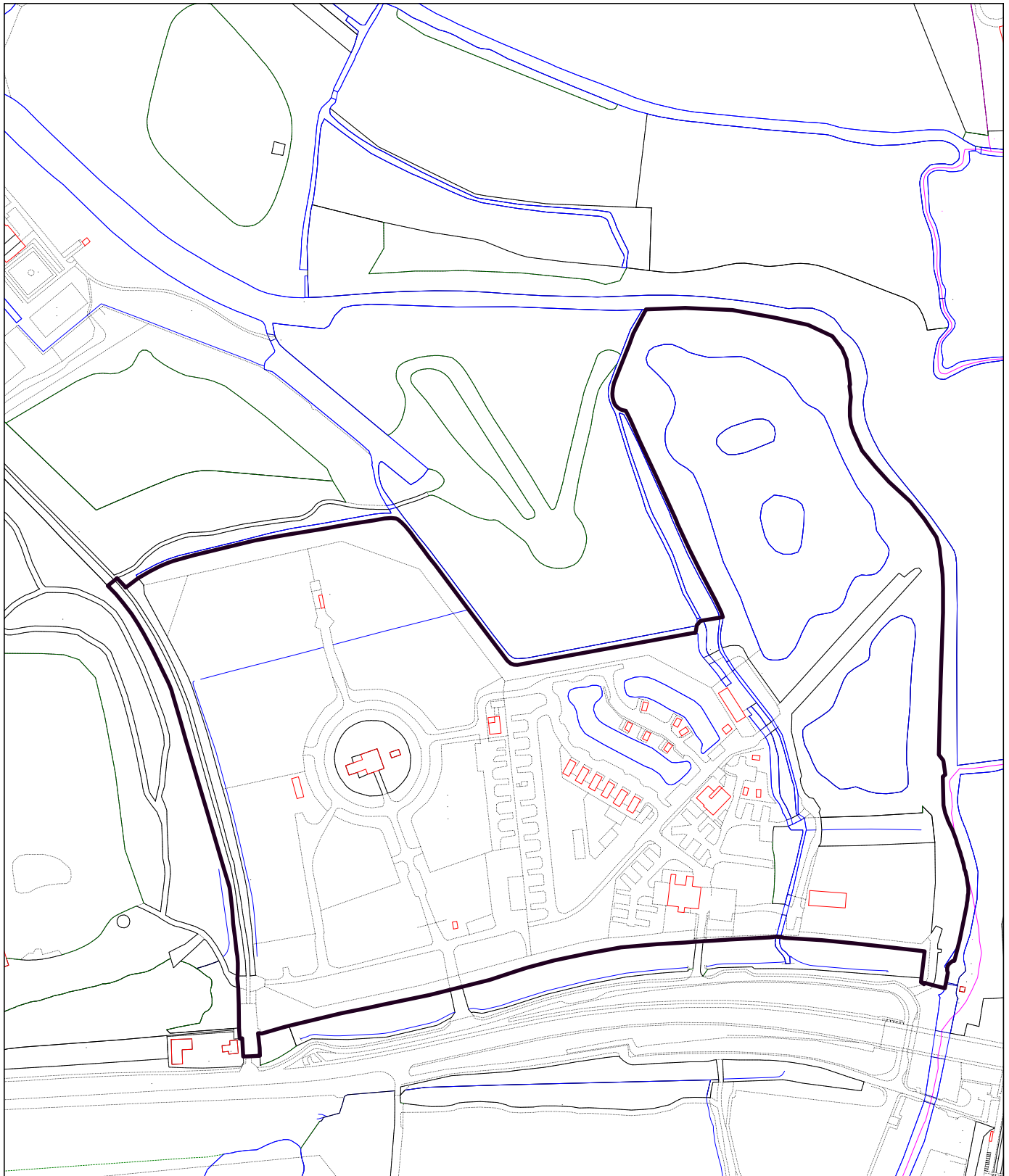
7. **Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.**
- 8.
- The applicant is advised that in order to comply with Condition 2** and 3** of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ
To fully discharge condition 2** and 3** the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction in accordance with the approved plan, before the development is brought into use
 - The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Highways Help Desk tel: 0300 300 8049
 - 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
 - Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all vehicles leaving the site
 - The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

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

DECISION

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Central Bedfordshire Council
Licence No. 100049029 (2009)

Date: 24:August:2017

Map Sheet No

Application No.
CB/17/02361/FULL

Scale: 1:3500

Henlow Bridge Lakes Ltd, Bridge End Road, Henlow, SG16 6LN

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| Item No. 14 |
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| | |
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| APPLICATION NUMBER | CB/17/02361/FULL |
| LOCATION | Henlow Bridge Lakes Ltd, Bridge End Road, Henlow, SG16 6LN |
| PROPOSAL | Change of use - for the proposed Teen Building (CB/16/01005/FULL Approval granted 28/4/16 and subsequent relocation CB/17/00188/VOC Approved 9/3/17) to a private Day Nursery and associated Children's Activity Centre. |
| PARISH | Henlow |
| WARD | Arlesey |
| WARD COUNCILLORS | Cllrs Dalgarno, Shelvey & Wenham |
| CASE OFFICER | Nikolas Smith |
| DATE REGISTERED | 05 June 2017 |
| EXPIRY DATE | 31 July 2017 |
| APPLICANT | Henlow Bridge Lakes Ltd |
| AGENT | Sherwood Architects Ltd |
| REASON FOR COMMITTEE TO DETERMINE | This application was called-in by Cllr Dalgarno for the following reasons: <ul style="list-style-type: none">• Unacceptable development in this location and an inappropriate change of use.• Adverse impact on traffic movements as it is in conflict with the current leisure activity of the site users.• The site was predicated around campers coming to stay and use the amenities and this application is in conflict with the leisure purpose of the site. |
| RECOMMENDED DECISION | Full Application - approve |

Reason for recommendation:

Whilst outside of the Settlement Envelope, the site is sustainable and the proposed use would not give rise to specific impacts that would justify the refusal of planning permission in this case.

Site Location:

The application site covers approximately 13 hectares of land and includes 4 fishing lakes, 48 formal camping and caravan pitches, 3 "glamping" pods, 6 leisure lodges and 6 angling cabins. The western part of the site includes a further informal camping/caravanning area (Clarke's Field) used as a rally field for a variety of events and group camping.

A secure caravan storage facility is located within the eastern part of the site. The facilities also include an amenity building with a function room (Haywards Room)

and a reception/shop.

Planning permission was granted in 2014 (CB/14/03258/FULL) for a clubhouse/tea room and activity centre in the south west corner of the site.

In 2016, permission was granted for a single storey teenage social building, to be located to the north of the activity centre (CB/16/01005/FULL). Planning permission was granted in May of this year to vary conditions attached to that consent. These variations allowed for a slightly larger building and for it to be located adjacent to the clubhouse at the site. The building has been constructed but is not yet in use.

The site is accessed off a one way road linked to the A507, to the north west of Arlesey.

The River Hix and riverside walk runs alongside the east and northern boundaries of the site with the footpath continuing to meet the Kingfisher Way footpath, which extends along the west boundary of the site and Knights Footpath which runs along the south boundary, parallel with the A507.

To the east of the site and within walking distance is Arlesey Railway Station, with direct pedestrian access to the site under Arlesey Bridge.

The closest residential property is The Lodge, situated just beyond the south east corner of the site, close to the A507. To the north of the site are the substantial grounds of Henlow Grange, a Grade II listed building which is used as a hotel.

The site is located just outside the settlement envelopes of Henlow and Arlesey, within open countryside.

The Application:

Full planning permission is sought to change the use of the approved teenage social building to a private day nursery. The applicant has set out that it would be used by visitors to the wider site and those who are not staying there. It has been designed to meet OFSTED requirements and would cater for children aged between three months and four years of age.

Relevant Policies:

National Planning Policy Framework (2012)

The Good Practice Guide on Planning for Tourism (2006) - Department for Communities and local Government

Central Bedfordshire (North Area) Core Strategy and Development Management Policies 2009

| | |
|------|--|
| CS11 | Rural Economy & Tourism |
| CS14 | High Quality Development |
| CS15 | Heritage |
| CS16 | Landscape and Woodland |
| CS18 | Biodiversity and Geological Conservation |

| | |
|------|--------------------------|
| DM3 | High Quality Development |
| DM14 | Landscape and Woodland |
| DM15 | Biodiversity |

Local Plan

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide to Development

Planning History

CB/17/00188/VOC

Variation of Condition No. 6 on application Ref: CB/16/01005/FULL dated 28/04/16. Substitution of Approved drawing No's. 2016-10 and 2016-15 for drawing No's. 2017-10A and 2017-11A

Approved: 09th March 2017

CB/16/01023/VOC

Variation of Condition No. 9 on Planning application Ref: CB/12/01317/FULL

Approved: 12th May 2016

CB/16/01005/FULL

Conversion of the first floor storage area in The Haywards Amenity Building into 2 No staff residential units and erection of teenage social building.

Approved: 28th April 2016

CB/15/02674/FULL

Proposal to replace 5 existing camping pitches with 6 Leisure Lodges and 6 Angling Cabins.

Approved: 10th September 2015

CB/14/03258/FULL

Permanent Manager's accommodation additional parking, caravan storage and ground care plant & machinery store. Relocation of approved tea room, clubhouse and play area.

Approved: 18th November 2014

CB/13/03932/FULL

Erection of fire pit shelter.

Approved: 06th February 2014

CB/13/00200/FULL

Change of use to the amenity block to allow for social functions within the education room only, unrelated to the camping/caravan site.

Approved: 27th May 2013

CB/13/00197/FULL

Retention of rod and tackle shed and relocated security cabin, Temporary toilet block.

Approved: 19th March 2013

CB/12/01317 – Provision of 29 additional pitches, managers accommodation and erection of club house, tea room and activity centre. Approved.

CB/12/01241 – Change of use to recreation and leisure usage including rallies, retention of a remodelled bund. Approved.

CB/11/00721/FULL

Replacement of 3 caravan pitches with 3 camping pods.

Approved: 18th July 2012

CB/10/02980/FULL

Formation of two additional lakes. Layout for 26.no. touring caravans. Erection of amenity block with educational room and tearoom. Extension of existing storage building for reception and tourist information, ancillary works and car parking.

Approved: 09th November 2010

MB/08/00084/FULL

Extension to storage building.

Approved 28th February 2008

Representations:

(Parish & Neighbours)

Henlow Parish Council No Objections. Henlow Parish Council would ask Central Beds Council to consider traffic measures to ensure motorists DO NOT drive straight over the A507 to access this site from the Arlesey Station Car Park. Additional signage on leaving the car park required to stop motorists from either driving over the carriage way or from turning right.

Neighbours One response was received, commenting as follows:

- A day nursery will further increase the volume of traffic turning into Bridge End Road particularly at peak times and this is already a traffic black spot and the sight of a number of accidents.
- This road was built solely for set down and pick up from Arlesey Station and is now being used for caravans entering and leaving the site, delivery lorries and a large car park for 200+ vehicles. It is extremely dangerous and difficult to get out of our drive already and this can only exacerbate the problem.
- Henlow Bridge Lakes was originally a small camp site and has grown to accommodate some 160 caravans. We object to the addition of services which are outside the boundaries expected of a caravan park, ie the daily traffic activity a day nursery would cause.

Consultation responses:

Highways The application seeks to a change of use from an approved teen building to private day nursery. Access is to be from the exiting main entrance into the Henlow Lakes. This is from the existing one way only access road (gyratory) that runs parallel to the A507 which also provides access to the Arlesey train station car park.

Cars enter this one way road off the east bound carriageway way of the A507 and circulate back onto the west bound carriageway. There are no right turn signs positioned on the westbound lane approach to this junction with "Ahead Only" white lining on the carriageway itself. When vehicles turn out of Henlow Lakes, or the station car park, back to the A507 there are three no right turns signs provided so that cars existing onto the A507 have to turn left towards Henlow.

No information on the projected number of pupils is evident in any of the supporting information or application form, but given the size of the building concerned (149sqm) I do not feel that numbers would be high enough for concern to be raised. However, it goes without saying that this type of use would inevitably increase the numbers of cars turning back onto the A507 once children have been dropped off and collected later on during the day. The application form does state that there will be 8 full time employees. Having looked at previous history of the site I find no condition relating to the maximum number of vehicular trips permitted for Henlow Lakes or Arlesey station car park and it must be remembered that this is a lawful junction.

What is not in question is that parking for the facility can be provided within the Harlow Lakes site given the space available and with that in mind the following condition should be provided with regards to the satisfactory provision of parking spaces.

Under NPPF guidance it is not felt that the additional number of movements that could be generated by the private day nursery would be seen as being severe.

I have to say that the entrance when travelling eastbound is to a degree hidden, I feel that the brown tourism sign for Henlow Lakes should be relocated to where the slip road is located. The problem here is that the tourism sign is currently located on the opposite side of the carriageway rather than on the site side (i.e. eastbound) and located nearly 100m away from where the exit from the A507 is located. This should therefore be moved to the junction area off the A507.

The other conditions relates to which access point is used as whilst there are two access points along the one way system, it has not been clarified which access is to be used. The most westerly access has gates across it but currently permanently padlocked. The easterly access (currently main entrance) is operated via number plate recognition cameras. There is also another access point

directly off the A507 next to No.31 “The Lodge” which should not be used under any circumstances.

Conditions:

1/ Access for the day nursery shall be from the existing main site entrance to Henlow Lakes.

Reason: In the interests of road safety and traffic movement.

2/ No development shall take place until a scheme for car parking (with access thereto) in accordance with Central Bedfordshire Design Guide 2014 has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the development is occupied and the car parking areas shall not thereafter be used for any other purpose.

Reason: To ensure a satisfactory standard of development.

3/ Before the development is brought into use, a scheme and subsequent installation for the relocation of the existing tourism sign on the A507 shall be submitted to Local Planning Authority for written approval.

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

| | |
|--------------------|----------------------|
| IDB | No comment |
| Environment Agency | No response received |
| Wildlife Trust | No response received |
| Network Rail | No response received |
| Public Protection | No comment |
| Rights of Way | No comment |
| Trees | No objection |
| Ecology | No objection |

Considerations:

1. Principle of Development

The existing uses at the site are leisure related and most of the facilities offered there provide for visitors to it. Whilst the proposed use would, in part, be used by visitors to the wider site, it would also be used by those not visiting the site for leisure reasons.

The change of use would introduce a new commercial activity to the site, which is outside of the Settlement Envelope. In general terms, policy DM4 seeks to direct uses like these to areas within Settlement Envelopes. One of the reasons for this is that these tend to be more sustainable than locations within the open countryside. In this case, given the close proximity to Arlesey railway station, the site would be sufficiently sustainable to accommodate the proposed use at the scale proposed. The development would adhere to the objectives of the policy.

The application is accompanied by a Supporting Statement from the Council's Childcare Team Manager, which sets out that there is a pressing need for nursery places in this area and that this development would help meet that demand. They fully support the planning application.

Given the benefits associated with bringing forward childcare places in an area of need and the relative sustainability of the site, the principle of the development would be acceptable.

2. Impact on Character and Appearance of the Area

The building already has planning permission and has been constructed. The proposed change of use would have no additional impacts on the character and appearance of the area.

3. Impact on neighbouring amenity

There is one residential property, known as The Lodge, located adjacent to the south western corner of the site and over 150m from the new building. Due to the existing use of the site and the nature of the current proposals, no harm would be caused to the amenity of the occupiers of that property or to the users of Henlow Grange.

4. Trees and ecology

The site has been well landscaped and the Tree Officer considers that no undue harm to existing trees within the site would result. The Council's Ecologist has also raised no objection.

6. Highways

The existing access to the site would be used and those arrangements are safe. Whilst the change of use would result in car visitors to the site above those who visit it for leisure reasons, the scale of the development proposed would not result in additional traffic movements that could not be accommodated by the existing highways network.

The Council's Highways Officer has requested a condition requiring that the existing signage on the A507 is relocated and that is recommended. They have also requested a condition requiring a plan showing parking arrangements, but given the ample parking provided at the site and the very limited risk of parking overflowing on to the highway, that is condition is not recommended.

Recommendation

That the application is approved subject to the following 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 Access for the day nursery shall be from the existing main site entrance to Henlow Lakes.

Reason: In the interests of road safety and traffic movement in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009)

- 3 Before the development is brought into use, a scheme for the relocation of the existing tourism sign on the A507 shall be submitted to Local Planning Authority for written approval. The sign shall be relocated as approved in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Reason: In the interest of road safety and traffic movement in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 2017-02 rev A, 2017-01 rev B, 2017-03 rev A, 2017-10 rev A

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

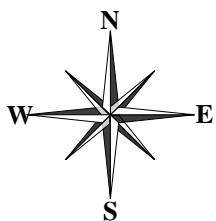
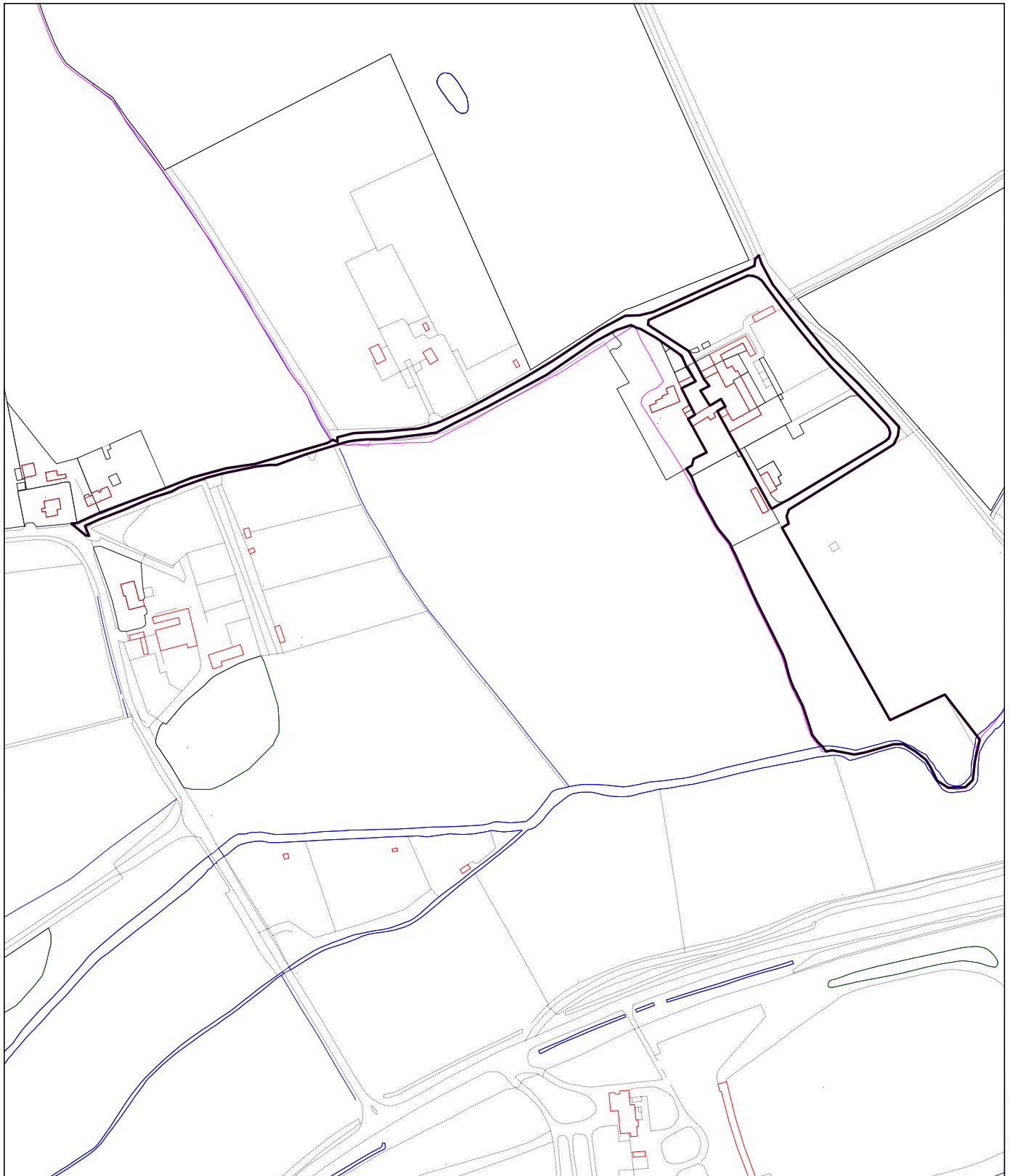
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

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

DECISION

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Licence No. 100049029 (2009)

Date: 24:August:2017

Map Sheet No

Application No.
CB/17/03030/FULL

Scale: 1:4000

6 The Old Dairy, Speedsdairy Farm Road, Beadlow

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| Item No. 15 |
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| APPLICATION NUMBER | CB/17/03030/FULL |
| LOCATION | 6 The Old Dairy, Speedsdairy Farm Road, Beadlow |
| PROPOSAL | Conversion of existing outbuilding to annexe |
| PARISH | Campton/Chicksands |
| WARD | Shefford |
| WARD COUNCILLORS | Cllrs Duckett, Blair & Downing |
| CASE OFFICER | Donna Lavender |
| DATE REGISTERED | 06 July 2017 |
| EXPIRY DATE | 31 August 2017 |
| APPLICANT | Mr J Lines |
| AGENT | AP Consulting Engineers |
| REASON FOR COMMITTEE TO DETERMINE | Applicant is related to a Development Management Officer |

| | |
|-----------------------------|--|
| RECOMMENDED DECISION | Full Application - Approval, subject to the completion of a 106 agreement |
|-----------------------------|--|

Reason for Recommendation

The proposed development is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document 2009, however as an annexe, the use will be restricted to ancillary to the host dwellinghouse and it will not be harmful to the character and appearance of the area as the proposal would result in the conversion of an existing building. The proposal would also be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (2009) and the Council's adopted Design Guidance (2014).

Site Location:

The application site lies to the rear of 6 The Old Dairy, which forms part of a barn complex formerly belonging to Speedsdairy Farm, Beadlow. To the south east of the barn complex are residential gardens with paddock areas beyond, of which the application site is part. The site is outside the Settlement Envelope on the eastern outskirts of Clophill village and falls within the Parishes of Campton and Chicksands. Speedsdairy Farmhouse and Units 2 and 3 are Grade II Listed Buildings. Units 1, 6 and 7 are curtilage listed.

The Application:

Permission is sought for the conversion of an extended storage barn which was allowed at appeal under planning reference CB/10/1171/FULL, to a residential self contained annex to be used ancillary to 6 The Old Dairy.

External alterations are limited to the replacement of ground floor double doorways within windows and the addition of rooflights into both roofslopes. The annex would be accessed by a separate shared access which gains access to the rear of the

application site and appropriate parking and turning provision exists due to its pre-existing use.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Section 6 -Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 11- Conserving and enhancing the Natural Environment

Section 12 - Conserving and enhancing the Historic Environment

Core Strategy and Development Management Policies - North 2009

CS2 - Developer Contributions

CS14 - High Quality Design

DM3 - High Quality Design

DM4 - Development Within and Beyond Settlement Envelopes

DM12 - Horticulture & Redundant Agricultural Sites

DM14 - Landscape and Woodland

DM15 - Biodiversity

Local Plan

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

Supplementary Planning Guidance/Other Documents

1. Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Number CB/10/01171/FULL

Description Erection of extension to stable building under construction, for storage with associated hardstanding.(Revised application CB/09/07032/FULL)

Decision Full Application - Refused (Allowed at appeal)

Decision Date 27/05/2010

Application Number MB/09/00560/FULL

Description Full: Amendment to planning permission 08/00455/FULL dated 09/05/08 for the erection of stable with ancillary works - to increase roof pitch from 40 to 45 degrees.

Decision Full Application - Granted

Decision Date 15/05/2009

Application Number MB/08/00455/FULL

Description Full: Erection of stable along with ancillary works.

Decision Full Application - Granted

Decision Date 09/05/2008

Application Number MB/07/01794/FULL

Description Full: Erection of stable along with ancillary works. Door to existing car port. Change of use of land from agricultural to residential garden and paddock. Retention of access track.

Decision Full Application - Granted

Decision Date 26/02/2008

Consultees:

1. Internal Drainage No Comments
Board (10/07/17)-
2. CBC Archaeology No Objection
(20/07/17)-
3. CBC Highways Officer No Objection
(25/07/17)-
4. CBC SuDs Engineer No Comments
(24/07/17)-
5. CBC Ecology No Objection, subject to the imposition of a condition to secure a net gain in biodiversity through the installation of a bird brick or box.
(31/07/17)-
6. CBC Conservation No Objection, less than substantial harm to the
Officer (21/08/17)- significance of the listed building and its setting.

Other Representations:

1. 7 The Old Dairy Objects on the following grounds (in summary):
(19/07/17)-
 - Concerns were raised in previous application that this building would be converted to residential
 - Annex is self sufficient and essentially a dwellinghouse
 - Traffic generation
 - Concerns if annex is allowed that independent residential property would be next proposal

Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area including the Historic Environment
3. Neighbouring Amenity
4. Highway Considerations
5. Other Considerations

Considerations

1. Principle
 - 1.1 The site lies outside of any prescribed settlement envelope and is located in land regarded as open countryside. The adopted policies within the Core strategy and Development Management Policies 2009 limit new housing development on unallocated sites to within settlement envelopes (Policy DM4).

On the basis of Policy DM4 a residential proposal outside of the settlement envelope would be regarded as contrary to policy. However it is necessary for the Council to consider whether material considerations outweigh the non-compliance with this Policy.

- 1.2 Policy DM12 of the Core Strategy for the North supports proposals for the re-development or conversion of redundant or disused buildings within agricultural sites providing that the scale, layout and design of the proposal are reflective of their setting, and whereby they have a suitable relationship with the existing local facilities and road network. The building was original constructed for equestrian storage for a previous owner however since the sites new ownership, the building has remained dis-used and as such redundant for its original purpose. In addition, as the building will be used for purposes ancillary to the function of the main dwellinghouse and as such used by the current occupiers, it is acknowledged that the occupiers have accepted the sites relationship to existing services or facilities and the proposal would not have an adverse impact on this pre-existing relationship.
- 1.3 The NPPF goes further to support schemes for the conversion of disused buildings providing that they would lead to an enhancement of their immediate setting or whereby there are special circumstances. The proposal herein will bring back into use this building within the setting of a listed building, without significant external alteration and the statement of circumstances for the proposed annex including caring responsibility and accommodation for ageing parents with ill health within their homes which will require teenage childrens to take residence in the annex during these periods of care.
- 1.4 Whilst concerns are expressed by local residents that the proposal would lead to the future potential of an independently dwellinghouse, the application before us is for annex purposes only, incidental to the main dwellinghouse and as such, it should be treated on its own merits. Notwithstanding this, as the unit itself, as clarified by the inspectorate at the appeal for the extension to the building in 2010, is not within the curtilage of the host dwellinghouse, a legal agreement restricting the use of the annex to ancillary would be required to be entered into by the applicant in order to prevent this and the applicant has readily agreed to this restriction. As such, this would prevent any fully independent dwellinghouse occupation separated from the host dwellinghouse.
- 1.5 The National Planning Policy Framework carries a presumption in favour of Sustainable Development. There are three dimensions to sustainable development which require consideration such as economic, social and environmental roles. Paragraph 9 of the NPPF states that these roles are mutually inclusive and as such in order to achieve sustainable development all three of the dimensions should be sought simultaneously.
- 1.6 As stated previously, this application is not for an independently dwellinghouse but for annex purposes which is seen as an extension to the existing dwellinghouse to provide ancillary occupation. As such, it is not considered that the proposal would put any further pressure on existing services.
- 1.7 In summary, the proposed development would result in the appropriate re-use of a redundant building for ancillary purposes to the existing dwellinghouse without

major alteration that would be significantly and/or demonstrably harmful and as such would comply with Policy DM12 of the Core Strategy and the NPPF, subject to compliance with other material considerations such as design, amenity impact and highways matters, which will be considered in the consecutive sections of this report.

2. Affect on the Character and Appearance of the Area including the Historic Environment

- 2.1 Local Plan Policy DM3 & CS14 states that proposals should take full account of the need for, or opportunities to enhance or reinforce the character and local distinctiveness of the area; and that the size, scale, density, massing, orientation, materials and overall appearance of the development should complement and harmonise with the local surroundings, particularly in terms of adjoining buildings and spaces and longer views.
- 2.2 The unit is not significantly visible from surrounding vantages due to the fact that it is obscured by existing dwellings and outbuildings. Notwithstanding this, only additional openings by way of relocation of doors with windows at the ground floor and rooflights are proposed as changes to the external appearance of the building to allow for the additional residential annex accommodation conversion to take place, which is considered modest and unobtrusive. No boundary treatment is proposed to provide any demarcation between the annex and the existing dwellinghouse as it is proposed to serve an ancillary function and existing landscaping surrounding the site would remain unchanged.
- 2.3 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The proposed dwellinghouse is not located directly within the curtilage of the Grade II Listed, Speeds Farmhouse and therefore the Council's Conservation Officer has raised no objection to the proposal as it would not adversely affect the setting of the Listed Building and therefore the proposal would result in less than substantial harm to the historical asset. Paragraph 134 of the NPPF states that where proposals would result in less than significant harm to an historical asset, the harm should be weighted against the public benefits of the proposal. The proposal herein would result in improved accommodation for the existing occupiers and would further result in the economic benefits inherent to the conversion works which is considered to outweigh the less than significant harm to the Listed building.
- 2.4 As such, it is considered that the proposal would conform with policies CS14 & DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and Sections 7 and 12 of the NPPF.

3. Neighbouring Amenity

- 3.1 With regards impact on residential amenity, the building would still maintain its position with an adequate separation distance from the residential dwellings such that no harm would be caused to the amenities of the occupiers of these properties in terms of noise or disturbance.
- 3.2 Velux windows are proposed to be installed into both sides of the roofslope to provide light into the first floor accommodation. However there is a distance in

excess of 20 metres from the building to the closest residential property of 5 The Old Dairy and the windows are proposed to be installed above 1.7 metres from floor level as such would not provide outlook and therefore would not give rise to overlooking concerns.

- 3.3 The level of vehicular movement generated by the annex would not likely be considered to generate a degree of noise and disturbance that would be harmful to any residential amenities. Therefore the proposal in this regard, would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 7 of the NPPF.

4. Highways Considerations

- 4.1 The existing is a storage barn with car port parking provision. Access is taken from a private road. The proposal is to convert the building into a 2 bedroom annex, with kitchen, gym and home office. The office should be for personal use and not B1 business and the Councils Highways Officers has recommend that if permission is granted that a condition be imposed in that regard.
- 4.2 The proposal does not affect the public highway, is accessible by vehicle and has adequate parking. As such, the proposal is not considered to be prejudicial to highway safety and no objections have been raised by the Councils Highways Officer in this regard. The proposal therefore is considered to be in accordance with DM3 of the Core Strategy for the North and Section 4 of the NPPF.

5. Other Considerations

5.1 Archaeology

The proposed development site lies within the historic complex of Speeds Farm and specifically the grounds associated with an 18th century barn (number 6) (HER 151512) now converted to a residential dwelling. Under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest or has the potential to disturbed undesignated archaeological remains. However, the nature of the proposals are such that they are unlikely have a major impact upon any surviving archaeological remains. As such, no objection has been raised by the Councils Archaeologist to this application on archaeological grounds and therefore the proposal would accord with Section 12 of the NPPF.

5.2 Ecology

As the site lies in the Greensand Ridge Nature Improvement Area, the proposal should incorporate 1 integrated bird nest brick or bird box to support net gains for biodiversity which has been shown on the plans supplied and can be secured through condition for compliance. As such, it is considered that the proposal would accord with Policy DM15 of the Core Strategy and section 11 of the NPPF.

5.3 106/Obligations

As explored in the principle section of this report, as the unit is not located within the curtilage of the host dwellinghouse (as defined for planning purposes) in order to ensure that the unit is utilised for annex purposes only and not used as an independent dwellinghouse, a legal agreement will need to be entered into with an appropriate restriction of use imposed.

5.4 Human Rights issues

The proposal raises no Human Rights issues.

Equality Act 2010

The proposal raises no Equality issues.

Recommendation:

That Planning Permission be APPROVED subject to completion of a Section 106 Agreement and 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 **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external windows and doors of the proposed building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.**

Reason: This condition is pre-commencement as materials are required to be ordered prior to construction and to ensure that the development is in keeping with the historical setting. (Section 12, NPPF)

- 3 The office accommodation proposed within the building shall only be used for purposes incidental to the host dwellinghouse.

Reason: To prevent the introduction of an inappropriate use harmful to the residential character of the area.
(Policy DM3 of the Core Strategy for the North and Section 7, NPPF)

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 16.372-P2 (Site and Block plan) & 16.372-P1 (Elevations & Floor Plans).

Reason: To identify the approved plan/s 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 National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.

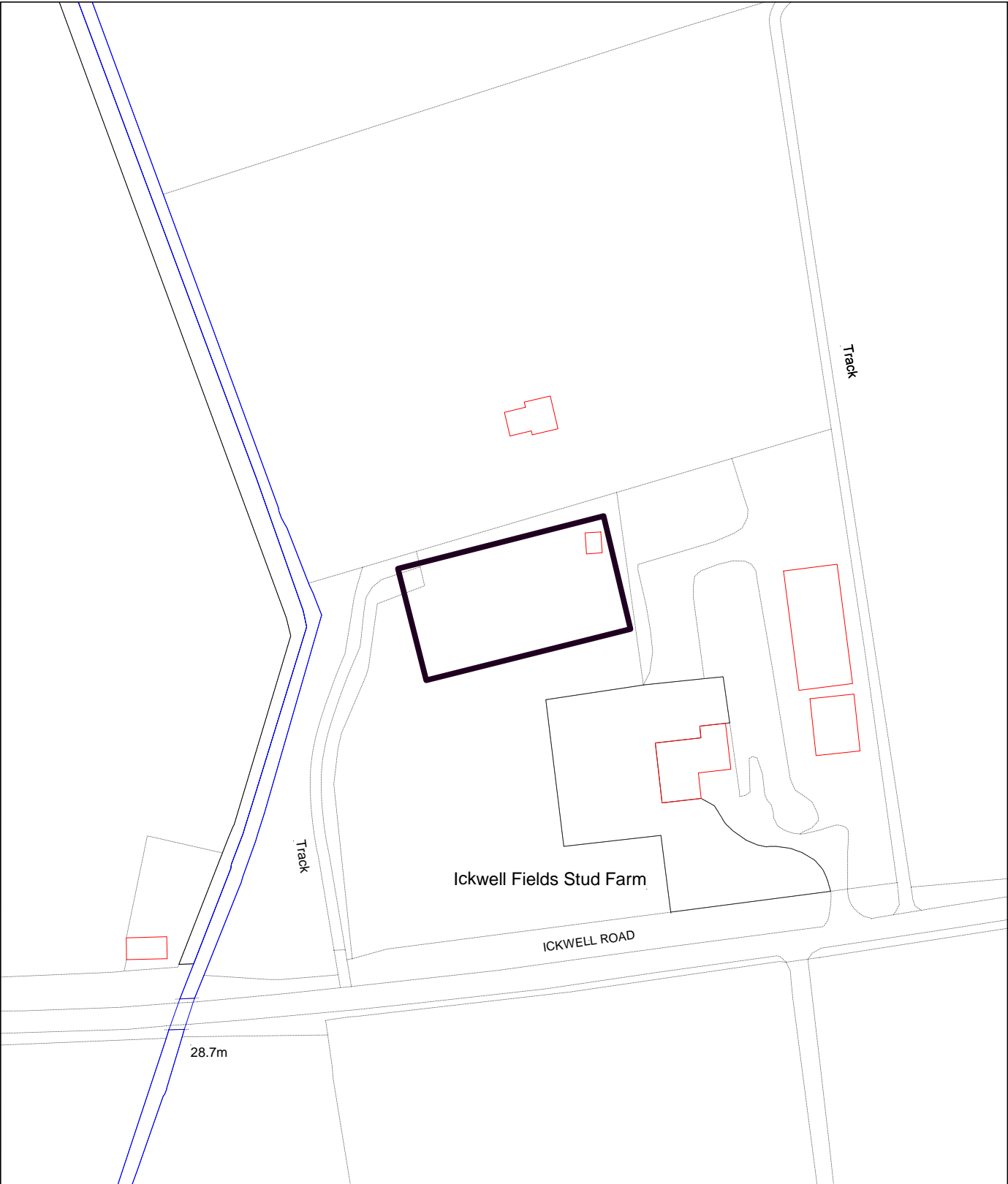
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. If bats are found during the course of any work to buildings or trees where not previously anticipated, then works should immediately stop and Natural England notified for appropriate advice.
4. This permission is subject to a Legal Obligation under Section 106 of the Town and Country Planning Act 1990.

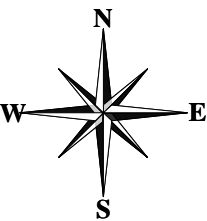
Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

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.

DECISION

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|  | © Crown Copyright. All rights reserved. Central Bedfordshire Council Licence No. 100049029 (2009) | Application No. CB/17/02780/FULL |
| | Date: 24:August:2017 | |
| | Map Sheet No | |
| Scale: 1:1250 | Ickwell Fields, Ickwell Road, Upper Caldecote, Biggleswade, SG18 9BS | |

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| Item No. 16 |
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|---|---|
| APPLICATION NUMBER | CB/17/02780/FULL |
| LOCATION | Ickwell Fields, Ickwell Road, Upper Caldecote, Biggleswade, SG18 9BS |
| PROPOSAL | Proposed Menage |
| PARISH | Northill |
| WARD | Northill |
| WARD COUNCILLORS | Cllr Mr Firth |
| CASE OFFICER | Lauren Rance |
| DATE REGISTERED | 06 June 2017 |
| EXPIRY DATE | 01 August 2017 |
| APPLICANT | Mr & Mrs Ben Maudlin |
| AGENT | Richard Beaty (Building Design) Limited |
| REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION | Applicant related to Cllr Maudlin |
| | Full Application - Approval |

Reason for Recommendation:

The principle of providing a menage for private use within the boundary of the farm is acceptable. The development would not result in an unacceptable impact on the character of the area, an adverse impact on the residential amenity of neighbouring properties or highway safety. Therefore subject to conditions, the proposed development is in conformity with Policy DM3 of the Core Strategy and Development Management Policies (2009) and The National Planning Policy Framework.

Site Location:

The site consists of a grass paddock within the wider setting of Ickwell Fields Stud Farm, located to the north of Ickwell Road, Upper Caldecote. The site lies outside the settlement envelopes of both Ickwell and Upper Caldecote.

The Application:

The application seeks planning permission for a menage with a timber post and rail fence and three lighting columns, 5 metres in height. The menage will measure 40 metres by 25 metres.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

| | |
|------|--------------------------|
| CS14 | High quality Development |
| DM3 | High quality Development |

- DM18 Equestrian Development
- DM14 Landscape and Woodland
- CS1 Development Strategy
- DM4 Development within and beyond settlement envelopes

Local Plan

The Council is currently consulting on its Regulation 18 Draft Local Plan for a period of eight weeks until Tuesday 29th August. The Draft Local Plan sets out how Central Bedfordshire will develop over the period to 2035. It identifies a range of homes and jobs to be provided, outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. Taken together the Draft Local Plan will ensure that the growth we need is delivered in the right place, is of the right character and quality, and is delivered with the supporting roads, schools and services such as health, as well as retail, leisure and community facilities. Although the Plan itself is still at a relatively early stage of preparation and therefore the weight which can be attributed to individual policies is limited, it would be prudent to have regard to the Council's emerging strategy, and in particular the direction of travel of the Local Plan.

Relevant Planning History:

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| Case Reference | CB/14/04099/VOC |
| Location | Ickwell Fields Stud, Caldecote Road, Northill, Ickwell SG18 9EH |
| Proposal | Variation of conditions: Removal of Condition 6 (occupancy) of outline planning permission. MB/98/0005/OUT. Outline application, erection of detached dwelling for use with existing stud farm (all matters reserved). |
| Decision | VOC- Granted |
| Decision Date | 17/12/2014 |

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| Case Reference | MB/98/01787/RM |
| Location | Ickwell Fields Stud, Caldecote Road, Northill, Ickwell, SG18 9EH |
| Proposal | RESERVED MATTERS: ERECTION OF DETACHED DWELLING FOR USE WITH EXISTING STUD FARM (EXCEPT LANDSCAPING) |
| Decision | Reserved Matters- Granted |
| Decision Date | 16/02/1999 |

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|-----------------------|--|
| Case Reference | MB/98/00005/OA |
| Location | Ickwell Fields Stud, Caldecote Road, Northill, Ickwell, SG18 9EH |
| Proposal | OUTLINE APPLICATION ERECTION OF DETACHED DWELLING FOR USE WITH EXISTING STUD FARM (ALL MATTERS RESERVED) |
| Decision | Outline Application - Granted |
| Decision Date | 25/08/1998 |

Consultees:

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| Northill Parish Council Environment Agency | Recommend for approval We have no objection to this application. However, please consult the IDB as the flood risk to this site is within their jurisdiction. |
|---|--|

SuDS Management
Team

We consider that planning permission could be granted to the proposed development with the following recommendation;

- The fencing should allow the free flow of water in and out, but should prevent the contents of the menage entering the watercourse, particularly after a flood event. For instance the lower bar to ground level could have a slated wood/welded wire infill with the spacing of the gaps being small enough to prevent contents escaping, acting like a sieve.

Drainage Board

Principles of flood risk assessment are acceptable, however applicant needs to provide demonstrate that surface water will be discharged at greenfield run off rates.

Please also note that the watercourse on the boundary of, or passing through this site is under statutory control of the Board. In accordance with the Board's byelaws, no development should take place within 7 metres of bank top, without the Board's prior consent, this includes any planting, fencing or other landscaping.

Any planning consent given should be conditional on the means of surface water disposal being agreed prior to commencement of the main works.

Revised comments following further information supplied by the agent:

The board accepts the principle of the Flood Risk Assessment and providing there is to be both no change to the existing storm water drainage arrangements and no increase in the impervious area of this site the Board will offer no objections to this development.

The site is in Flood Zone 3a. The menage must be constructed as shown on the sectional drawing. "Ickwell Fields Menage" to ensure no change to surface water run-off rates. Ground levels must not be raised above existing levels.

Pollution

No response

Other Representations:

Neighbours

No response

Determining Issues:

The main considerations of the application are;

1. Principle of Development

- 1.1 The proposed development lies outside any settlement envelope. Policy DM4 states that development beyond settlement envelopes shall only be permitted as long as it does not cause harm to the character and appearance of the area, and is appropriate within its setting. The policy makes clear that new development should reflect the scale of the settlement in which it is located and that it should complement the surrounding pattern of development. Further to this careful consideration must be given to the criteria set out in Policy DM3 (High Quality Development) of the Central Bedfordshire Core Strategy and Development Management Policies (2009), which also states that development must be appropriate in its scale and design within its setting, and must respect the amenity of surrounding dwellings.
- 1.2 Policy DM18 states that horse-related facilities and small extensions are permitted within a countryside setting as long as it does not interfere with neighbouring residents and respects the rural setting and landscape. Therefore, as long as it conforms to the criteria set out in the Core Strategy and Development Management Policies (2009) it is acceptable.
- 1.3 The proposed site sits in Flood Risk Zone 3a. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The proposed development of the menage is considered an Amenity Open Space under the Flood Risk and Vulnerability Classification within the NPPF (2012). The menage only includes a post and rail fence and three lighting columns as above ground structures and there is no change in ground level and it will only provide amenities for the existing owners. Using the classification within the NPPF both the existing use and the proposed use will constitute water compatible land uses. Therefore the proposed development will maintain the existing greenfield run off rates and there is no vulnerability to the development in terms of flooding.
- 1.4 The proposed site is located to the rear of the dwelling house and is within a rural setting, with existing paddocks and stables for the owners horses. There is no additional flood risk from the development and therefore the principle of a menage within this setting is acceptable.

2. Character and Appearance of the Area

- 2.1 An equestrian use of the land already exists and Policy DM18 supports equestrian development subject to various criteria including consideration of the design, scale, siting and use of materials, which should respect the rural setting. The proposed menage is set back from Ickwell Road and behind a detached dwelling house, and other paddock land designated for equestrian use and so will only be partially visible from the highway and public realm. The proposed fence is in keeping with structures already present on the site and surrounding fields. No trees or hedgerows will be lost in order to carryout the proposal and the current site is a grass paddock used to exercise horses. Therefore it is considered that the application is in accordance with Policy DM14 of the Core Strategy and Development Management Policies (2009) which sets out to conserve and enhance the rural setting.

- 2.2 It is considered that the proposed development would not cause harm to the character and appearance of the area, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).
- 3. Amenity and Living Conditions of Occupiers of Neighbouring Dwellings**
- 3.1 Due to the location of the Stud farm within a rural setting, it is considered that there is no unacceptable impact to any neighbouring dwellings.
- 4. Equality and Human Rights**
- 4.1 Based on information submitted there are no known issues raised in the context of Human Rights/ The Equalities Act 2010 and as such there would be no relevant implications.

Recommendation:

That Planning Permission be **GRANTED**.

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 hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 15.05.22, 15.05.21, 15.05.OSmap, CBC/001 and CBC/002.
- 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. **Will a new extension affect your Council Tax Charge?**
The rate of Council Tax you pay depends on which valuation band your home is placed in. This is determined by the market value of your home as at 1 April 1991.
Your property's Council Tax band may change if the property is extended. The Council Tax band will only change when a relevant transaction takes place. For example, if you sell your property after extending it, the new owner may have to pay a higher band of Council Tax.
If however you add an annexe to your property, the Valuation Office Agency may decide that the annexe should be banded separately for Council Tax. If this happens, you will have to start paying Council Tax for the annexe as

soon as it is completed. If the annexe is occupied by a relative of the residents of the main dwelling, it may qualify for a Council Tax discount or exemption. Contact the Council for advice on **0300 300 8306**.
The website link is:

<http://www.centralbedfordshire.gov.uk/council-tax/bands/find.aspx>

3. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

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

DECISION

.....
.....

Item 6 (Pages 17 - 256) – CB/16/01389/FULL – Land off A5 at Checkley Wood Farm, Watling Street, Hockliffe

Additional Consultation/Publicity Responses

Four additional letters of support received from 24 & 41 Timber Lane, Woburn; 24 Stoke Road, Linslade and 27 Albany Road, Leighton Buzzard.

Bedfordshire Gardens Trust

At Appendix A is an objection from the Bedfordshire Gardens Trust, responding on behalf of the Gardens Trust.

It is noted that the Bedfordshire Gardens Trust concur with Historic England that the impact on the significance of Woburn Park would be low-moderate and that the impact on Battlesden Church would be less than substantial, albeit at the higher end of the scale.

The Bedfordshire Gardens Trust also states that there would be a similar level of harm to the significance of Battlesden Park in general.

It is noted that the conclusion of the letter indicates that any harm to these heritage assets should be exceptional (wholly exceptional in the case of Grade I Listed heritage assets). However, this is not the correct policy test as set out in the NPPF. Paragraph 132 of the NPPF states that any harm should require clear and convincing justification, but it is only substantial harm which should be exceptional or wholly exceptional. None of the specialist heritage consultees has stated that the proposal would have substantial harm to any heritage asset.

It is considered that the conclusions set out in Section 5 of the report still apply.

Richard Buxton Environmental & Public Law

At Appendix B is a letter from Richard Buxton Environmental & Public Law writing on behalf of the Bedford Estates.

Counsel's advice has been sought on the content of the letter.

In respect of the requirement for an Environmental Impact Assessment, Counsel has advised that she does not think that the corrected Screening Opinion would be upheld as an unlawful approach. She has noted that the 2017 EIA regulations were not in force at the time the Screening Opinion was released and are therefore not pertinent to this matter.

In reference to Green Belt Considerations, it appears likely that the letter from Mr Buxton is in response to the previous iteration of the committee report, as it refers to a paragraph number that no longer exists in the current report and also raises issues which existed in the previous iteration of the report but have now been addressed within the updated version of the report.

In particular, the report now balances “any other harm” as well as inappropriateness of development in the Green Belt when considering whether very special circumstances exist.

The report also explains more clearly within the planning balance why it is considered that very special circumstances exist in this case.

Counsel has confirmed that whether or not very special circumstances exist is a matter of planning judgement for the decision maker. Matters of planning judgement cannot be questioned in law, unless decisions are irrational. She does not consider that the conclusions within the report are irrational.

Counsel considers that the updated report is written in such a way that, should the Committee approve the application, the Council ought to be able to resist a challenge to the decision in a Judicial Review scenario.

Savills

Attached at Appendix C is another letter from Savills. This draws the attention of Committee Members to the concerns of the Landscape Officer and considers further the Council’s Wind Turbine Guidance Note.

The Landscape Officer did raise concerns in regards to the development, but did not object to the proposal. The conclusion of the Landscape Officer was that if the proposal were to be progressed, it should be identical in design to the existing Double Arches turbine and have similar nacelle / blades height so that the two turbines should read as a single cluster. The proposal is for a turbine which would be identical in design to the Double Arches turbine and would have similar nacelle / blades height.

Section 4 of the report addresses Officer’s interpretation of the Wind Turbine Guidance Note. It acknowledges that it may be appropriate to consider that the proposal represents a cluster, as the proposed single turbine would be clustered with the existing Double Arches turbine, but then points out that the proposal would not represent more than one development within the landscape character area as the other part of the cluster would be the existing turbine at Double Arches. The cluster would therefore not compete with Double Arches, but include it. Section 4 of the report includes assessments of a cluster of turbines against the criteria set out within the guidance note.

SCWT

An additional letter has been received from the SCWT campaign, which is attached at Appendix D.

In response to this letter, the points raised are predominantly covered within the Officer's report at Section 7.

In response to point 1 of the letter, it is noted that it was Planning Officers and the Development Management Committee who considered that removing the Excessive Amplitude Modulation condition was a reasonable decision at the time, on the basis of government policy and several contemporaneous Appeal decisions.

In response to point 2 of the letter, it is noted that MAS Environmental clearly state in their response to the planning application on page 77 of the report that the conditions agreed (and recommended to be imposed) addressed their concerns in respect of amplitude modulation. This is why Officer's consider that the proposed condition would adequately protect neighbouring residents from unacceptable levels of noise pollution.

In response to point 3, the Council legally cannot impose, as part of this application, a condition on a wind turbine that does not form part of this application and is not located within the red line of the application site. As is noted in paragraph 7.14, any reports of EAM in the area would be sufficient to trigger investigation under the recommended condition for this wind turbine. It is noted that neither MAS nor the Council's Environmental Health Officer has outstanding concerns in respect of EAM.

Additional Comments

Additional information was submitted to the Enforcement Team to support a noise complaint for the existing wind turbine at Double Arches in relation to properties at Overend. The Enforcement Team will proceed with an investigation in accordance with the measures set out within the planning conditions which control the Double Arches turbine.

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Bedfordshire Gardens Trust

Debbie Willcox
Case Officer
Planning Department
Central Bedfordshire Council
Council Offices
Priory House, Monks Walk
Chicksands
Beds SG17 5TQ

8 September 2017

Dear Debbie Willcox

CB/16/01389/FULL

Installation of a single wind turbine with a maximum tip height of 143.5m (hub height 100m; rotor diameter of 87.0m), substation, hardstanding area, access track, underground cabling and associated infrastructure. Land off A5 at Checkley Wood Farm, Watling Street, Hockliffe, Leighton Buzzard LU7 9LG

Bedfordshire Gardens Trust is responding to this application on behalf of the Gardens Trust, statutory consultee for planning applications affecting registered historic parks and gardens. Although this application originated in 2016, it was only received by the Gardens Trust on 24 August 2017, giving a very short time to assimilate the voluminous documentation and respond. I hope that in future such referrals will be more timely. This response is restricted to the impact of the proposal on registered parks and gardens, and does not cover other heritage aspects more generally.

Summary: Bedfordshire Gardens Trust objects to this application owing to the level of harm to the Grade II registered site at Battlesden Park, and the Grade 1 registered site at Woburn Abbey.

Registered parks and gardens within the Study Area

The cultural heritage assessment by Headland Archaeology (as revised September 2016) states that there are two registered parks and gardens within 5km of the proposed turbine – Woburn Abbey and Battlesden Park. For completeness, it should be noted that there is now a third site within that radius: the formal gardens at Stockgrove House, Leighton Buzzard, were registered Grade II on 15 November 2016 (list entry number 1434590). The formal gardens are just across the local authority boundary in Milton Keynes UA, while the parkland adjoining forms the greater part of the Rushmere Country Park in Central Bedfordshire. A fourth site – the Whipsnade Tree Cathedral, registered Grade II on 10 February 2017 (list entry number 1439326) lies south-east of Dunstable within the 15km radius of the Outer Study Area.

Local planning policies

Heath and Reach lies within the area of your Council's South Local Development Framework, consisting of the former South Bedfordshire District local plan adopted in 2004. Policies from that plan saved in 2007 include BE7: Conservation and Enhancement of Historic Parks and Gardens: *"the local planning authority will encourage the conservation, enhancement and restoration of the historic parks and gardens identified as of importance in this plan and on the proposals map. Planning permission will not be granted for development that would unacceptably harm the character or appearance of such areas and their settings, or result in the loss of significance features."*

Battlesden, Potsgrove and Woburn, however, lie within the area covered by the North Local Development Framework adopted in 2009. Within the core strategy of that Framework,

heritage Policy CS15 states unequivocally that the Council will protect, conserve and enhance the district's heritage. I suggest that this should have some weight in the Council's decision-making process on this application. The emerging UA-wide local plan is at a relatively early stage – a public consultation exercise finished on 29 August 2017 – and so must have limited weight.

Battlesden Park

This representation focuses on Battlesden Park, which is the closest site to the proposed wind turbine, and the most seriously affected. I have made a visit to the publicly-accessible parts of the site, which contains the remains of mid-19th century formal terraced gardens in an 18th century (and earlier) park, and is associated with Humphry Repton and Joseph Paxton. As the Historic England register entry describes, the park of around 90ha is still bounded largely by agricultural land, with the south-west boundary formed by the A5 Watling Street. The site of the house lies within the park on the southern tip of a shoulder of land extending 1km south from the A4012, with Battlesden church forming a close group with the house site and the walled garden to the south of the churchyard. The site slopes down to a valley to the west and south in which lie two lakes. This topography (shown in the LIDAR view at Appendix A Fig 1) is very important in assessing the degree of harm which the proposal would cause to an area which remains (apart from the existing intrusion of the Double Arches wind turbine) remarkably rural and unspoilt. Battlesden Avenue running from the northern boundary of the site to the Hockliffe-Woburn road is also registered as part of the site.

The Cultural Heritage Assessment produced by Headland Archaeology for the applicant (reworked September 2016) concludes (page 39) that there will be no harm to the significance of Battlesden Park. We disagree. The Assessment underplays the importance of views within and beyond the site. There is evidence that views from the pre-1860s house and gardens to the south and south-west across Watling Street towards the Chilterns were valued, as attested by a visitor in 1748, and the presence of a bastion-shaped viewing mount (Tent Hill, shown topped with a tent in a watercolour c1820) at the south-west corner of the lower garden terrace.

We do not know the details of the garden before Humphry Repton's visit in 1806, but his sketch of the site made for an 1808 almanac, though schematic, shows house, church, a terraced walled garden with greenhouse, and Watling Street in the foreground. The later terraces south-west of the new house as designed or redesigned by Joseph Paxton and G H Stokes in the 1860s were clearly intended to take advantage of the aspect and the topography.

The northern drive and avenue runs along a ridge from which there are views to east and west. It is acknowledged that the views to the west above Home Wood would be impacted by the proposed turbine, as shown at Viewpoints 5 and 6 of the Battlesden Visualisations prepared for the applicant in December 2016. Other areas of the Park are dismissed in the Cultural Heritage Assessment (page 39) on the basis that *"there are public foot paths through the park, though none of the views are frequently accessed by members of the public and the hedgerows limit any such views."* I would remind the applicant that a heritage asset is a heritage asset irrespective of public access.

Of the two lakes referred to in the register description, the larger lying south-west of the house site can be attributed on good evidence to a (very young) Joseph Paxton (whose elder brother William Paxton was the estate bailiff) and dated 1822. One of the public footpaths running down the eastern side of the registered site overlooks the lake. The Double Arches turbine is clearly visible from it (Appendix A fig 3) and again the proposed Checkley Wood terminal would greatly add to visual intrusion. The turbine is visible not just from the raised area overlooking the lake, but along the path for some distance where it runs parallel to the drive from the A5 lodges.

The Double Arches turbine is also clearly visible from the public footpath running along the western edge of the registered site (Appendix A fig 4), and from the footpath running westwards from the Avenue across the valley towards Potsgrove Church (which is outside the registered site, but part of its setting). The proposed Checkley Wood turbine would also intrude on those views.

Battlesden Church

The Historic England representation of 11 January 2017 concludes from the Visualisations of December 2016 and other evidence that “although the level of harm [to Battlesden Church] would be considered less than substantial (in the terminology of the NPPF), it would be towards the higher end of that scale”. We agree. As well as being a Grade I listed building in its own right, the church lies within the registered parkland and is an important component of the significance of the site. It follows that there must be harm to the significance of the registered site as well.

Woburn Park

I see no reason to disagree with the reasoning and conclusion by Historic England (their ref P0051167, representation of 11 January 2017) that there would also be a low-moderate level of harm to the significance of the registered Woburn Abbey park.

Conclusions

The proposed Checkley Wood turbine, because of its great height and the flickering movement of the rotor arms, would cause serious visual intrusion to the landscape of the Grade II Battlesden Park, leading to a high, though less than substantial, degree of harm to its significance. There would also be a low to moderate degree of harm to the significance of Woburn Abbey park. Harm to these assets should be exceptional (in the case of the Grade 1 Woburn Abbey park, wholly exceptional), and can only be justified by very compelling arguments. In deciding the application your Council needs to conduct a balancing exercise as in National Planning Policy Framework paragraphs 132 and 134 to establish whether the public benefits of the proposal outweigh the damage to the heritage assets affected. That is a matter for your Council, but I will only point out that the proposals have no public benefits as far as the registered parks and gardens themselves are concerned.

Yours sincerely



CAROLINE BOWDLER
Bedfordshire Gardens Trust
Conservation



Appendix A; Images, Battlesden Park

Fig 1 LIDAR image of Battlesden Park

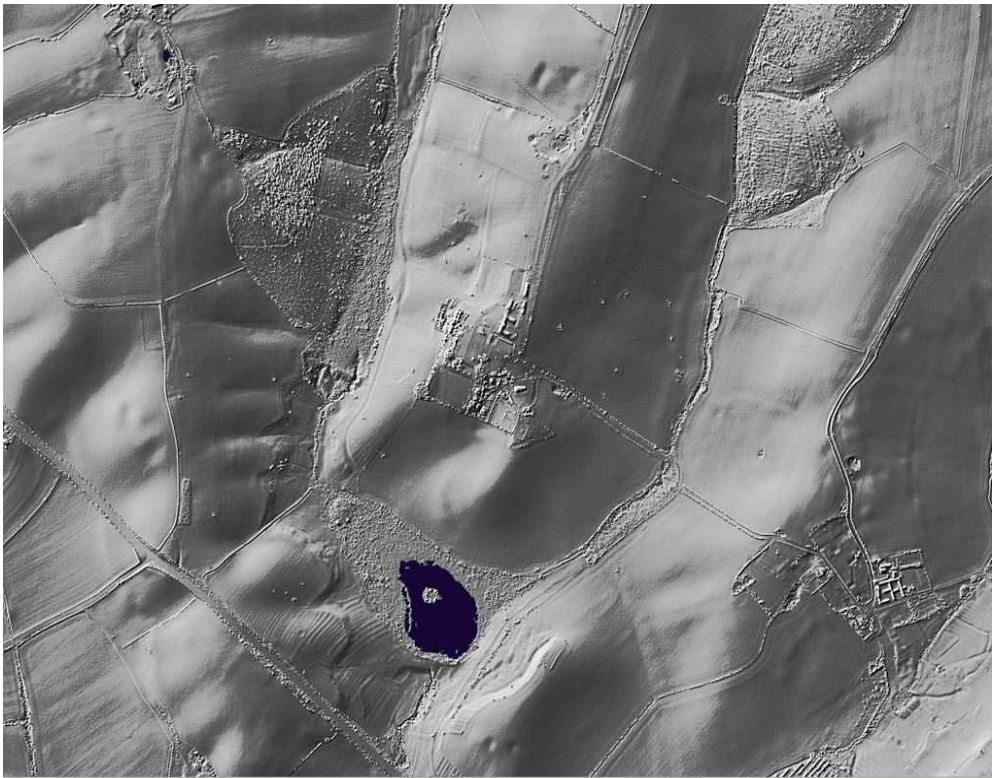


Fig 2 Key to views at Fig 3 and fig 4

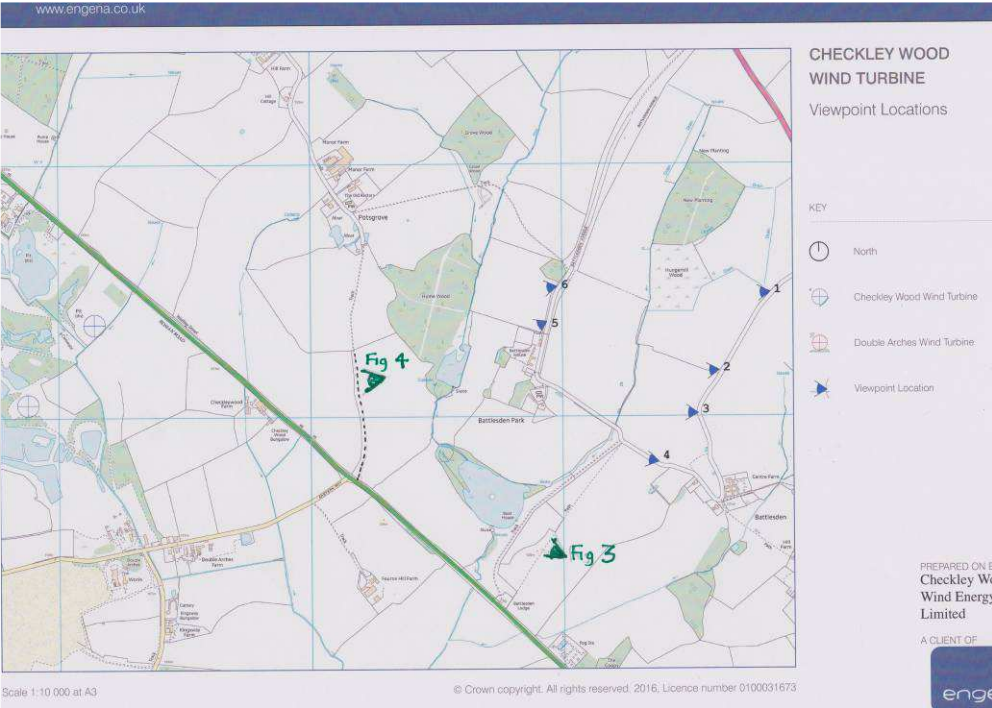


Fig 3 Double Arches wind turbine seen across Paxton's lake



Fig 4: Double Arches turbine seen from W edge of registered site



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law@richardbuxton.co.ukCentral Bedfordshire Council
Priory House
Monks Walk
Chicksands
Sheldford SG17 5TQ**Your Ref: Planning Application CB/16/01389/FULL
Attn: Debbie Willcox**

Our Ref: BEF1-001/RB

4 September 2017

Dear Sirs

Proposed Wind Turbine at Checkley Wood Farm

1. Thank you for your notification of 31.8.17 that this matter will be further considered by the Planning Committee on 13.9.17.
2. Bedford Estates have asked us to consider the materials including the officer report (OR). We and our clients were surprised in all the circumstances to see the OR recommending grant of permission here where the weight of considerations seems so heavily against it. Those particularly include the strong concerns raised in relation to landscape and the historic environment including by Historic England and your own officers.
3. Having reviewed the matter the OR does – as is often the case where one's reaction is "this cannot be right" – contain at least two issues which appear to be in legal error. For the avoidance of doubt this is not trespassing on the question of "planning judgement" which is not our place to do. That is for the Committee members to make their own minds up about once they have carefully considered all the materials including representations made on the day. On the other hand they must do that on the correct legal basis.
4. We trust you would agree that it is better that the Committee is properly informed of these now than following office recommendations which are – with respect – wrong in law, and then the decision end up being challenged.
5. The OR is lengthy and other papers here are voluminous so we will try to keep the points short. You are very familiar with the issues and we trust that an outline will suffice.

Environmental impact assessment

6. The reasons for the council's approach to EIA being unlawful were originally set out in detail in our letter of 3.8.16. The net result of that was that the Council carried out a fresh screening opinion dated 18.11.16. This corrected an error in

an earlier purported screening opinion dated 25.3.15. We have reviewed the later screening opinion and the OR.

7. In our letter of 3.8.16 we raised three areas of concern: significance (including the question of mitigation measures), the EIA voluntarily provided for the Double Arches application, cumulative impact, and proximity to sensitive areas. The OR addresses these points at §§16.4-13.
8. As for the issue of “significance”, we are truly surprised that the Council in the OR purports to hide behind the suggestion that EIA and planning significance are different things. Particularly given the low threshold applicable to EIA (see the discussion and authority *R. (Bateman) v. South Cambs DC* [2011] EWCA Civ 157 which we referred you to in our letter of 3.8.16, to the effect that the threshold is met where there is “any serious possibility” of significant effects) this is obviously wrong. The screening opinion accepts in terms that there “may be significant effects on a small number of heritage assets” and the probability of this is “high”.
9. Perhaps this is discounted by the notion that “the impact is not complex and reasonably predictable”. But that is not the test. We refer to the currently applicable rules (2017 EIA Regulations) where the relevant consideration is “the possibility of effectively reducing the impact”. That does not appear to have been considered at all. But anyway the report itself acknowledges significance notwithstanding.
10. As for the EIA of the Double Arches application, as we pointed out in our letter of 3.8.16 the Council considered then that the matter was of environmental significance, and the refusal was recommended in strong terms on the basis of effects on landscape and the historic environment. It just does not “add up” now to say in the OR that this is really a single turbine application, consistent with others where EIA has not been required.
11. From this also follows the point that in relation to cumulative impact, we can say little more than that the Council’s approach here is a blatant attempt at unlawful “salami slicing” and refer to the points made in our letter of 3.8.16.

Green Belt

12. The Council (rightly) recognises that the development is “inappropriate development” from a Green Belt (GB) perspective and therefore “very special circumstances” (VSC) must be found to justify development. In summary the OR concludes that the substantial harm that would be caused to the GB is “clearly and demonstrably” outweighed by (principally) the electricity generating benefits of the scheme.
13. There are two important legal errors in the analysis.
14. First, we deal with the matter as put. Although in the end the existence of VSC is a matter of judgement, the difficulty with the OR’s approach is that there is nothing to suggest anything special about electricity generation from this proposal. It is of course fully accepted that renewable electricity is a good thing and our clients (and indeed we) strongly support that. But in order to constitute VSC the situation has to be not just “special” but “very special”. There is nothing of either of those identified here at all. It is just “one more turbine” contributing

as part of a national effort to improve renewable generation. That is simply not good enough.

15. VSC must be interpreted to mean what it says. We are aware that the NPPF contemplates at §91 that VSC may include the wider environmental benefits from renewable energy. We accept that in considering VSC it is right to put that in the balance, as the OR does. But what it does not do is explain why in this instance it “clearly and demonstrably outweighs” the identified harm. The OR identifies the extent of electricity generation and that it is “significant” (see §3.12). However that still does not make it “special” let alone “very special”.
16. And in this context the OR appears, see again §3.12) to muddle the NPPF support for small scale electricity generation at §98 NPPF with GB factors. But that is wrong, §98 is in a different section dealing with planning and environmental challenges generally. Of course we do not say that VSC cannot exist in relation to even a small scale renewable energy project, just that there is no indication that VSC can properly be said to exist here. The OR jumps to its conclusion without explaining why.
17. In this context we particularly note the observations of your Renewables Officer at OR pp.33-36. There is no suggestion there of the special circumstances of this application. Indeed it is neutral at best given the other considerations mentioned. It is thus extraordinary for the OR to conclude as it does in relation to GB and VSC. As a matter of law we are satisfied overall that the OR is misdirected in this regard.
18. The second error is one that goes directly against established jurisprudence, namely the need to balance “any other harm” as well as inappropriateness of development in the GB when considering whether VSC exist or not. This issue was discussed in *Reigate and Banstead BC and Others v Redhill Aerodrome Limited* [2014] EWCA Civ 1386 and it appears that the OR here is manifestly deficient in the balancing it purports to carry out. The “other harm” identified in the report simply does not form part of the VSC balance. That is a serious error of approach.
19. We trust these observations are of assistance.

Yours faithfully



Richard Buxton Environmental and Public Law



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5 September 2017

Woburn/Checkley Wood/CBC Dev Mngt committee.ltr.0509

savills

Members of the Development Management Committee
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Dear Sirs

PLANNING APPLICATION CB/16/01389/FULL - CHECKLEY WOOD WIND TURBINE

Further to our previous submissions, please find enclosed the following correspondence which we have recently sent to Debbie Willcox, the Planning Officer at Central Bedfordshire Council:-

- Savills letter dated 30 August 2017
- Richard Buxton's letter dated 4 September 2017

There are several reasons why we consider that this application should be refused, including opinions which have been expressed by some of the Council's own Officers, as well as our own and other parties' interpretation of the planning policy and how it applies to what will be one of the largest onshore turbines in the UK.

Yours faithfully

Michael Horton BSc MRICS
Director

Encs

30 August 2017
WOB/CheckleyWood/CBC.Willcox.ltr.3008

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Ms D Willcox
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Dear Debbie

Checkley Wood Farm - Proposed Wind Turbine Application No.CB-16-01389-4

It was helpful to speak to you on the telephone further to my letter dated 17 August 2017, primarily concerning landscape issues and the Council's own guidance note on wind energy development in Central Bedfordshire.

During the conversation, you made the point that CBC's own Landscape Officer had not objected to the application. Having read through the agenda papers for the last Committee meeting and referring to page 59, I have looked through the Landscape Officer's comments which I think raises more concerns than have been admitted.

To quote his comments:-

"I have serious concerns regarding the proposal's visual impact on the local and wider landscapes, especially given wind turbines cannot be mitigated visually, it is important to note that the proposed turbine is of an equivalent scale to the existing turbine at the adjoining Double Arches site – currently one of the tallest on-shore turbines in the UK."

That may not technically be an objection, but neither does it indicate any support and it does indicate the Officer has serious concerns.

In the last paragraph of page 61, the Officer refers to the key question of the cumulative effect of two turbines at this location, in particular, raising the issue of capacity of the landscape to accommodate more turbines being the key.

On page 62, the Officer comments on CBC's own wind energy guidance, but for some reason does not provide an opinion on which of the capacity criteria apply, either a single turbine or a cluster of 1-3 turbines.

I find this odd. Surely it is an Officer's responsibility to give an opinion as to how the guidance should be interpreted.

In my letter dated 17 August 2017, I provided views on what seems to be a logical interpretation of the guidance, i.e. that you have to accept that the Double Arches turbine is already there and the issue is trying to assess the capacity of the given landscape to absorb wind development.

I reiterate, that adding this turbine into the existing landscape produces one where two turbines exist and thus, the appropriate criteria to consider in landscaping terms, is that described as a cluster of 1-3 turbines.



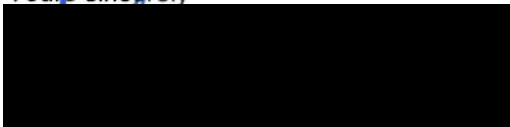
Thus, as stated, in the guidance notes, there is a low capacity for the landscape in question to absorb a cluster of 1-3 turbines. The analysis specifically refers to concerns over cumulative impact with a large turbine at Double Arches.

I have tried to think how the single turbine criteria might be applied as you describe. It seems illogical to me that another turbine in one planning application should be considered as a single turbine in the landscape when one exists already. In theory, if your interpretation applies there could be several applications of single turbines made, which could create substantive numbers of turbines clustered there, but only the single turbine criteria would be applicable to consider the landscape's capacity to absorb them. Surely this cannot be right?

I know this letter may seem slightly repetitive, but I think it is a vital point that the members of the Committee consider and it is important that the serious concerns that your Landscape Officer has over the application, are made clear.

With regards,

Yours sincerely



Michael Horton BSc MRICS
Director

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Ms. D Willcox & Mr. S Joynes,
Central Bedfordshire Council,
Priory House,
Monks Walk,
Chicksands,
SG17 5TQ

September 7th, 2017

Dear Ms. Willcox & Mr. Joynes,

RE: Proposed Checkley Wood Wind Turbine - Noise Impact Assessment

We wrote to you on 2nd July raising serious concerns regarding the Noise Impact Assessment and the proposed planning conditions designed to protect the Public Health of local communities.

You advised us that the revised Officer's Report ("OR") would be available on 31st August and would provide the necessary explanations and assurances. Having now had the opportunity to review that report, we are of the firm opinion that these substantial planning matters have not been addressed and trust that you will agree, that it is better that the Committee is properly informed of these now, before any decision is made.

In an attempt to be succinct, we will outline the key issues and references to documents within the OR:

1. Section 7.9 of the OR states "when planning permission was granted in 2011 for the Double Arches turbine, a condition to control the effects of EAM was imposed. This condition was removed under Planning Reference CB/13/02037/VOC in September 2013 on the basis that there was insufficient evidence to show that it was reasonable and enforceable, which is considered to be a reasonable decision based on the available evidence at the time."

The Council's advisers, MAS, disagree that this was reasonable. In their report of 12th February 2015, Section 4.4 they state "The variation of Condition 10 to permit higher levels of noise impact at dwellings influences the overall noise impact to which residents will be subjected. It was considered at approval of the original Application that EAM was in need of control. This remains the case and is relevant to the variation of Condition 10 as the combined impact of higher noise levels and noise character (*i.e.* EAM), is a significant change of impact.

The OR is incorrect and the lifting of the AM condition was not deemed reasonable in the report.

2. Section 7.11 of the OR states "The Parsons Brinkerhoff Report found significant evidence that where EAM occurs the adverse effects can be significant and therefore, a condition should always be imposed."

and

Cont'.....

-2-

MAS in their report of 12th February 2015, Section 3.6, comment “it is to be recognised that whilst the metric for determining EAM was removed from the previous consent by VOC, the need for its control was not.”

Further to these statements:

Respondents to the Planning Application have reported EAM arising from Double Arches (7.11 OR).

Further, the likelihood and level of EAM is increased when wind speeds between the apex and the nadir of the turbine are markedly different and/or the airflow to the turbine’s blades is disturbed. It is a recognised fact that **at** only 410m distant, the erection of a second turbine will increase airflow disturbance and therefore, increase the likelihood of EAM both in terms of frequency and level.

The proposed Planning condition for AM control only controls the EAM generated by the Checkley Wood turbine.

Remarkably the OR, Section 7.13, states “As such, it is considered that the proposed EAM conditions would meet the six tests for planning conditions and would provide an adequate protection for neighbouring residents in regard to the potential impacts of EAM.” No explanation is given as to how this conclusion was reached or whether the Council’s noise advisers, MAS, were consulted.

It is CBC and NPPG Policy that the CUMULATIVE impact of turbine noise is to be considered.

By definition the points above show that the cumulative impact of the noise (*EAM*) arising from the 2 turbines has NOT been considered. Furthermore, the points above also demonstrate that the total EAM will, in all likelihood, be increased by the actions of one turbine on the other.

As such, the following statements contained within the OR must be reconsidered:

Pollution Officer “I therefore recommend support, on the grounds that the agreed conditions pertaining to the cumulative impact of turbine noise and AM are imposed.”

This statement has not been met.

Renewables Officer “I have no objections to Planning Permission, however, this is based on the assumption that Committee satisfied that the issues raised by the local community have, or will, be adequately resolved and the Landscape Officer is satisfied with the mitigation proposed to limit landscape impact and other aspects such as noise, etc., are dealt with satisfactorily.”

This statement has not been met.

Planning Officers, Section 7.13 “It is considered that the proposed EAM conditions would meet the six tests for Planning conditions and would provide an adequate protection for neighbouring residents.”

This statement has not been met.

June 2015 Ministerial Statement “When considering applications for wind energy development, LPA’s should only grant Planning permission if, following consultation, it can be demonstrated that the Planning impacts identified by affected local communities have been fully addressed and, therefore, the Proposal has their backing.”

This statement has not been met.

Cont’.....

-3-

3. Finally the OR makes a significant error of Application when it states (*Section 7.14*) "It should be noted that the turbine at Double Arches is not part of this Application and Planning Law does not permit the imposition of conditions which would seek to control a turbine that is not part of this Application".

Firstly, it must be recognised that EAM control is only lacking from Double Arches because CBC allowed by VOC, the EAM condition on the original approval to be lifted.

Planning Law however does ensure that the consequences of any proposed development are understood and managed. It has been shown above that one of the consequences of this proposed development will be to, in all likelihood, increase EAM arising from the nearby Double Arches turbine. If this affect cannot be mitigated, then the requirement of Planning Law is clear and that is the refusal of the proposed development.

Will you please ensure that this letter is provided to Committee Members of the Late List and that they fully understand the points made.

Kind regards.

Chris Roberts
On behalf of SCWT

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***Item 7 (Pages 257 - 272) – CB/17/01236/OUT – Land at Sorrell
Way, Biggleswade***

Additional Consultation/Publicity Responses

None

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Item 8 (Pages 273 - 296) – CB/17/01277/OUT – Land at Saxon Drive, Biggleswade

Additional Consultation/Publicity Responses

Change to description of application from 'up to 230 dwellings' to 'up to 200 dwellings'

The change in description also means a pro-rata reduction in the amount of s106 contribution for education and leisure will be required.

The change in description also means that the percentage of affordable housing provided when shared with the Sorrell Way scheme will increase to up to 46%.

Amendment to Condition 9, so that it reads:

No dwellings shall be occupied until a timetable for the implementation of the scheme has been agreed in writing with the Local Planning Authority.

Amendment to Condition 10, so that it reads:

No dwellings shall be occupied until a timetable for the implementation of the Enhancement Scheme has been agreed in writing with the Local Planning Authority.

Additional comment from Town Council regarding potential covenant on the land – Covenants on land are not material planning considerations, and there is no covenant on the land that the Planning Department is aware of.

Comments from Highways Officer below:-

No objection.

The access road off the roundabout is shown at 7.3m in width with 2m wide footways on both sides. This would lead to an increase in traffic on a route that dissects the leisure route and so it would be appropriate for a zebra crossing which can accommodate cyclists as well as pedestrians under new TSRDG (Traffic Signs Regulations and General Directions) provisions.

The Transport Assessment has looked at the following junctions in terms of operating capacity and accident data,

Saxon Drive/Foxglove Drive – Saxon Drive, Site Access Roundabout
Saxon Drive/Foxglove Drive/Dunton Lane, Roundabout
Saxon Way/Sorrel Way/Baden Powell Way, Roundabout
Chambers Way/A6001 London Road, Priority Junction

All the junctions are below the capacity level RFC (Ratio to Flow Capacity) of 0.85 with the exception of Chambers Way/London Road which will already be above its theoretical maximum of 1.09 in 2026 (do nothing scenario) with the worst case being 1.16 (do something scenario) which is not considered severe in-line with NPPF guidance.

A crossing for pedestrians and cyclists to the Saxon Centre is proposed and it is recommended that a signalised TOUCAN crossing is provided on Saxon Drive to aid crossing in the location of where the Public Right of Way is located which is about 65m south of Saxon Way/Sorrel Way/Baden Powell Way Roundabout.

The following planning conditions will be required:-

Conditions

1/No building shall be occupied until the junction of the proposed vehicular access (altered roundabout) with the highway has been constructed in accordance with the approved details.

Reason

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

2/Visibility splay shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splay shall for the perpetuity of the development remain free of any obstruction to visibility.

Reason

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

3/Visibility splay shall be provided at all internal road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the side road from its junction with the channel to the through road and 25m measured from the centre line of the side road along the channel of the through road. The vision splay required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.

Reason

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

4/The development shall be served by means of roads and footpaths which shall be laid out and drained in accordance with the Central Bedfordshire Design Guide September 2014 or other such documents that replace them, and no building shall be occupied until the roads and footpaths which provide access to it from the existing highway have been laid out and constructed in accordance with the above-mentioned Guidance.

Reason

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

5/The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate an independent vehicular turning head areas for an 11.5m refuse collection vehicle. Car and cycle parking shall also be provided in accordance with the relevant parking standards at the time of the submitted reserved matters.

Reason

To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway and parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

6/The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall include car and cycle parking in accordance with Central Bedfordshire Design Guide September 2014 or other such documents that replace them has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the development is occupied and the car and cycle parking areas shall not thereafter be used for any other purpose.

Reason

To ensure a satisfactory standard of development in accordance with the Central Bedfordshire Design Guide September 2014.

7/No dwelling shall be occupied until a zebra crossing in the near vicinity of the development entrance (roundabout eastern arm) has been provided in accordance with details of a scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway to the crossing.

Reason

In the interests of road safety and pedestrian movement.

8/No dwelling shall be occupied until a TOUCAN crossing, south of the Saxon Way/Sorrel Way/Baden Powell Way Roundabout), has been provided in accordance with details of a scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway to the crossing.

Reason

In the interests of road safety and pedestrian movement.

Clarification of financial contribution request from Leisure Services below:-

The wording for the S106 legal agreement will need to reflect more general refurbishment works instead of just the wet side changing rooms. Therefore, please can it state that the contribution is to be used for "refurbishment works at Saxon Pool Leisure Centre". The amount sought remains the same at £193,231.00.

Additional condition requested by Archaeological Officer set out below:-

"No development shall take place within each phase of the development until a written scheme of archaeological investigation 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 investigation. 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 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);
- (iii) 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);
- (iv) 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*. 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 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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***Item 9 (Pages 297 - 325) – CB/17/02682/REG3 – Kennel Farm,
Saxon Drive, Biggleswade***

Additional Consultation/Publicity Responses

Additional comments received from the Council's Archaeologist raising no objection subject to a condition which is drafted below.

Landscape Officer

The proposals are well considered and will help to integrate the numerous buildings and units, eg from views from Dunton Lane.

There is some concern regarding potential views from the west.

The species selection is acceptable but it would be preferable to include a wider range of native shrubs eg to include dogwood. Wild cherry would also be an addition to the tree stock proposed and the use of orchard trees should also be considered.

Native shrubbery should be used to underplant the grouped trees proposed for the southern boundary, to increase the screening value and to benefit the habitat.

Consideration should also be given to establishing mixed native hedgrows rather than just hornbeam.

A Management Plan will be required to aid the longterm care of the trees, shrubs and wildflower grassland.

A detailed planting specification is also required - this needs to detail the proportions of shrubs used in the mix; eg an equal mix of species is not ideal. Blackthorn is invasive and should be planted at a lower rate. A reduced planting density for the native shrubbery is required - 3/m will lead to management issues in the future.

Green Infrastructure Coordinator

The application site is near the route of the Biggleswade Green Wheel network; a spur of the Biggleswade Green Wheel follows the route of the footpath to the south of Kennel Farm.

The Parish GI plan identifies the aspiration to upgrade this to a bridleway / cycleway. Opportunities to deliver this enhancement should be sought through the development if appropriate.

In terms of the site's wider context, there is a good RoW network around the site, and woodland belts planted to the south and east. The development should complement these through further woodland belt planting / landscape screening.

Additional Comments

Clarification on need.

The proposal for Travelling Showpeople plots is distinctly different to that of Gypsy and Traveller pitches. Therefore Para 1.6 does not reflect a need for travelling showpeople plots, rather, as it states, gypsy and traveller pitches. The GTAA identifies a need for up to 31 Travelling Showpeople plots in

Central Bedfordshire over the period 2015 - 2035, and therefore the development of this site would assist in meeting this need.

In respect of comments from the Landscape Officer the views from the west will show the site in the context of its surroundings however this is to be considered against existing views from this location which go through the site to the commercial and agricultural buildings to the east. The impact will change but it is not considered to do so to a detrimental extent.

In respect of comments from the GI Coordinator the scale of development proposed is such that a contribution towards identified GI projects would not be considered reasonable or necessary to make the scheme acceptable in planning terms in this instance

Additional Conditions

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

Reason: To protect *in situ* or record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development. 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 developers to record and advance of understanding of the significance of any heritage assets to be lost (wholly or in part) as a consequence of the development.

No works to show equipment or machinery and no operation of machinery shall take place on the plots hereby approved before 7:00 am on weekdays and 8:00 am on Saturdays nor after 19:00 pm on weekdays and 17:00 pm on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.
(Section 7, NPPF)

Item 10 (Pages 325 - 368) - CB/15/01657/OUT – Samuel Whitbread Community College, Clifton, SG17 5QS

Additional Consultation/Publicity Responses

Cllr Liddiard

I would of liked to of had the opportunity to address you in person at DMC on Wednesday but due to work commitments I am unable to make the meeting hence this email arriving to you before you carry out your site inspections tomorrow. As a ward member for Shefford for the last 5 months, traffic congestion and parking are a major concern for residents. Over 3500 children a day go to school in Shefford and Clifton and it at these times that severe congestion occurs despite the best efforts of the schools to educate parents and their pupils.

We all have a 'Place Making' responsibility to ensure that Central Bedfordshire is a great place to live and work and that proposals presented to the Council, wherever possible should significantly outweigh the impact caused. There is always a balance to strike between residents living close to schools and the fact that we want the best outcomes for children in Central Bedfordshire through our schools.

I have set out below my reasons below as to why DMC should debate this proposal afresh, to ensure that you are comfortable that the applicant has exhausted all avenues to prove that the proposal is the best that can be achieved and strike that fine balance. There might be alternative options.

Members also need to be aware of the following:

- I have 3 children attending all 3 tiers of schools in the town.
- Mark Liddiard is employed by The Football Association as a National Project Manager. The Football Association has commented upon this application to Sport England as part of its MOU Planning Agreement.
- Mark Liddiard is a director appointed Governor to the Local Governing Body of Robert Bloomfield Academy by BEST Directors but does not act as a BEST Director.
- Mark Liddiard is a Director at Shefford Sports Club, the club would receive investment into its facilities if the proposal is granted.

Clifton Parish Council

Clifton Parish Councillors have the often stated concerns with regard the lack of infrastructure particularly in Education with regard the introduction of so many more houses into this area.

However a particular concern of Clifton Parish Council with regard this site/ application is that it fails to link access with the adjoining proposed site of 64 dwellings and address safety issues.

At present Clifton and Shefford suffer from over 20 buses arriving and departing through the centre of our respective village / town taking children to and from SWCC. This presents a physical risk to other road users and pedestrians, as well as negatively impacting our quality of life as these aging vehicles emit high levels of noxious fumes.

An earlier proposal was for these vehicles to use the 64 house /SWCC development access road to enter / leave the school thus gaining close access to the bypass etc. This proposal was rejected by CBC due to the nature of the T junction onto Hitchin Road.

This latest application however shows no sign of the demolition of 99 Hitchin Lane and the proposed road to replace it, despite clearly showing the proposed properties. The new proposal access is via a large roundabout.

Clearly the issue of two separate access roads in such close proximity needs to be addressed whilst at this early planning stage, and the safest practical solution found that meets the needs of Transport to and from SWCC and the 64 homes as well as the needs of these 80 or so homes.

We believe that no further permissions should be given on either application until this Safety issue is addressed by CBC and the developers. I understand that there is a lack of cooperation between these developers but this should be overcome in the interests of all concerned, not least the Parishioners of Clifton, Shefford, SWCC pupils and of course the new residents.

Additional Comments

The comments from Clifton Parish Council relate to this site but also a site immediately south of this one which is currently subject to an outline application to be developed to provide 80 dwellings. In respect of the merits of this application the access from Hitchin Road is not considered to be technically safe for busses to manoeuvre into and out of the site. In respect of the adjacent site this will be considered separately under that application.

Additional Conditions

None

Item 11 (Pages 369 - 396) - CB/17/00358/RM - Land east of Hitchin Road and south of the Former Pig Testing Unit, Hitchin Road, Stotfold

Additional Consultation/Publicity Responses

None

Additional Comments

None

Additional Conditions

None

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Item 12 (Pages 397 - 410) - CB/17/02023/OUT - Land adj. to Haynes Turn, South of High Road, Haynes, MK45 3PA

Additional Consultation/Publicity Responses

Additional comments from Haynes Parish Council – comments repeated verbatim

Dear Colleagues on the Parish Council,

1.0 I have read the *Highway Network Impact Assessment* statement completed by Open Road Associates (ORA) in regards to the proposed development of Haynes Turn on behalf of the developer LSF Properties.

1.1 I make these initial observations.

1.2 NB: There are currently 4 large detached houses at the site, and this new application proposes to add a further 5 detached houses, consisting of 2 bungalows and 3 detached dwelling houses.

1.3 At paragraph 1.5 of the ORA statement, it is intended that *'no proposed alterations to the existing access, which connects Haynes Turn to the A600'* is needed. The rationale provided is *'vehicular movements in and out of the site are currently low (estimated average of 7 vehicular movements per 'average' dwelling per day) and it is not foreseen that the addition of five new dwellings would result in an unacceptable increase to the number of vehicles looking to access and egress the site'*. I would like to know the source of the figure given by ORA in regards to the average number of vehicular movements per average house. Is this an accepted and verifiable figure within Highway legislation? As I say it is not sourced so I cannot accept this on face value. I have conducted some crude research and found in England there is one car for every two persons – *source Ministry of Transport 2015* – and so it is reason to believe the number of vehicular movements at this proposed site will be considerably higher than led to believe. For example, if each household had 2 cars with 4 cars movements each day, then for 9 houses there would be 72 vehicular movements. On the other hand, if each household had 5 cars with 4 cars movements each day, then for 9 houses there would be 180 vehicular movements. These numbers can be moved around, but the purpose of these theoretical calculations is to highlight the high number of vehicle movements, which will undoubtedly occur.

1.4 At paragraph 1.6 of the ORA statement, it is suggested *'any increase in vehicle movements to and from the site will be accommodated without detriment to highway safety'*. Of course, this opinion is based on the number of vehicular movements ORA have proposed, which others might believe to be conservative. I would add to this that ORA have not made any reference to amount of vehicles which will visit the site

e.g. friends/family, postal and Internet deliveries. In regards to Internet purchases, which are a preferred option for a considerable amount of people, large vans, and heavy goods vehicles of course complete such deliveries. Such large numbers of vehicular movements and size of such vehicles, which require large turning arcs, bring into question road safety at this site.

1.5 At paragraph 1.7 of the ORA statement, it is suggested *'the existing access is a suitable width to accommodate two-way vehicle flow'*. As I understand it, it is LSF's intent to continue to have the site and associated roads, un-adopted by the Local Authority. The existing site is a small cul-de-sac serving 4 detached dwellings, this new application proposes to extend this to 9 dwellings and as such I have significant concerns there will be a build up of traffic on an unregulated private road, which will affect vehicles on the A600 trunk road. Consequently, I believe such congestion without regulation will cause an accident involving residents as well as road users from the wider community.

1.6 At paragraph 2.2, it is clear from the ORA statement, that the visibility splays for this site **does not** confirm to the legal/advisory requirements as spelt out in the *Specification for Highways Works Volume 6, Section 2, Part 7 TD 41/95*. On this point, ORA are proposing for others to merely accept their assertion such speeds of 60mph cannot be achieved, and so everything will be all right. No survey, and no evidence have been provided by ORA as to the volume and/or speed of vehicular movements, and so I do believe their declaration can be accepted. NB: It is my intention to conduct my own survey and provide my findings to the Parish Council and Local Authority Highways.

1.7 At paragraph 3.2 and 3.4, the ORA statement indicates the visibility splays are controlled by the developer and the Local Authority, then explains this could be improved by *'clearing back some of the existing vegetation'*. Is the developer making arrangements for this to be agreed upon, not only for the proposed development but continued management of the site for proceeding years?

1.8 On the 6th of July 2017, between 7am and 8am Parish Councillor James and myself conducted a traffic survey at the T-junction of Silver End Road/Haynes Turn/A600 High Road. At the junction, the A600 is subject to a 60mph speed limit; whilst Silver End Road is restricted to 30mph. Currently, the cul-de-sac known, as Haynes Turn is unregulated and so consequently it has no street furniture, no street lighting or road markings relevant to the highway. The A600 is a single carriageway with one lane in each direction – the northbound carriageway conveys traffic to Bedford and the southbound carriageway to Shefford. The A600 is subject to a 'no stopping' regulation and there is a bus layby on the east and west side of the carriageway on top of the junction. The road surface particularly on the A600 is in a poor state of repair, and the road markings are barely visible, presenting a danger to all road users. The street furniture is adequate for the junction in its current form. The junction is liable to flood in times of heavy downpours due to poor drainage in the village. Anglian Water, who often manages this hazard, will confirm this point. The visibility splays at Silver End Road and the Haynes Turn cul-de-sac contradict each other due to their close proximity. They both lay on the west side of the main

road meaning drivers using the A600 are confused as to which exit other drivers are to take when indicating to leave the carriageway. Also, as the splays are so close, there is often a 'stand-off' between drivers who wish to enter the A600 at the same time. This creates confusion and a danger to all road users.

1.9 During the hour survey, a total of 1,133 motor vehicles passed though the junction. Of these, 115 motor vehicles either exited or entered Silver End Road onto or from the A600 trunk road. The types of vehicle were predominantly cars but a total of 112 vans, 13 buses, and 19 heavy goods vehicles were recorded. Frequently, drivers entering the A600 from the give-way markings in Silver End Road caused other road users to brake. This was partly caused by the volume of traffic on the A600, which caused a build up of vehicles on the side road. Drivers wishing to enter the main carriageway would become impatient opting **not** to 'give way' but instead take the best opportunity to enter the A600 when clearly it was unsafe to do so. With the advent of more housing on the main highway this situation would become quite complex and dangerous for all road users.

2.0 Lastly, this parish council commissioned a traffic survey in 2011 in regards to speeding at Deadman's Cross/A600. It should be noted Deadman's Cross is less than half a mile from Haynes Turn, and on the same section of the A600. I have included the data provided by the commissioned authority for your perusal. If I can direct your attention to the 'cumulative' data: on an average week day approximately 9,500 motor vehicles used this section of the A600 of which 1100 exceeded the speed limit at a recorded speed of 46mph or more. This of course prompted the introduction of a permanent speed camera at Deadman's Cross to enforce the 40mph speed limit, which exists there. This is a very clear indication that this application has not properly considered the dangers of introducing an unregulated road directly onto an exceedingly busy trunk road and T-junction, which connects our county town to Mid-Bedfordshire, and the A1 Motorway.

2.1 I submit this report for your consideration.

Steve Collin, Parish Councillor for Haynes dated the 6th of July 2017.

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Item 13 (Pages 411 - 438) - CB/17/03294/FULL – Henlow Middle School, Church Road, Henlow, SG16 6AN

Additional Consultation/Publicity Responses

2 neighbours letters received from Nos 25 and 67 Groveside – concerned about highway and pedestrian safety impact, suggest road improvements.

Comments from CBC Senior Engineer - No objection or comment on this application and are happy for Building Control to manage the surface water drainage details through their application and inspection process.

Additional Comments

Applicant has submitted a response to the Council's Overview & Scrutiny Committee (list of 16 recommendations) – see attached.

Additional comments from agent regarding condition 7 below -

Additional comments from Highways Officer below –

Additional/Amended Conditions/Reasons

Agent comments: Unfortunately, this would actually make the scheme untenable, as the modular unit needs to be used as classroom space by the Academy right up until the point that the new sports hall and classroom block is completed and ready for occupation. Ideally, Condition no 7 would be omitted from any resulting planning permission.

To allow a transition period for the school to move over to the proposed new classrooms it is suggested condition 7 be amended as follows:

The existing modular unit shown omitted on drg no 453.101 Rev A (proposed block plan) shall be demolished and all resultant detritus completely removed from the site within 6 months of the first occupation of the development hereby approved.

Reason: In the interests of the visual amenities of the area and for the avoidance of doubt in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009) and Section 7, NPPF.

Highway Officer:

Suggest delete Conditions 9 and 10 and replace with the following:

Prior to the development being brought into use measures to improve pedestrian safety will be implemented in the vicinity of the school, these measures to include but not limited to:

- A footway on the south side of Groveside and adjacent to the bowling green, from the Henlow Pavillion car park, to a drop kerb crossing point linking to the existing footway.
- Improved pedestrian facilities linking the Boyd Activity centre to the footway on the south side of Church Road. Pedestrian facilities to include but not limited to additional footways and enhanced crossing facilities.
- Enhanced crossing point at the junction of Groveside and Church Road.

Reason: In the interests of road safety and pedestrian movement.
(Policy DM3 of the Core Strategy and Development Management Policies (2009))

Also please remove the informative relating to the s278 works and Streetworks – first 2 bullet points at no.8

Committee report error

There is an error in the report relating to 'Reason for committee to determine'.
This should read as follows:

REASON FOR COMMITTEE TO DETERMINE

Called in by Cllr Wenham

Highways safety grounds - Transport assessment and travel plan inadequate. No consideration of Executive adopted policy from OSC on travel improvements when schools are extended including 20mph zones, completion of safer route to school along Church Rd.

Parking - Transport assessment and travel plan inadequate. Parking considers only incremental impact and should be rebased on current policy (for all staff)

Other - High concern by residents in Groveside about parking and safety at school arrival and pick-up times. 60 signature petition presented to Henlow PC in June 2017.

HENLOW ACADEMY: Proposed New Sports Hall and Classroom Block

Planning Reference: CB/17/03294/FULL

OCS (Overview & Scrutiny Committee) Points:

| | Recommendation: | How it has been addressed: |
|---|--|---|
| 1 | RECOMMENDED that officers work closely and proactively with schools, taking into account current resources and staffing levels to regularly promote school travel plans and existing health programmes that encourage active and sustainable travel for children within catchment. | The Academy is happy for this regular communication to be established with the appropriate Council officers. |
| 2 | RECOMMENDED that every school be encouraged to produce an active and regularly updated travel plan, maintaining the relationship with Council officers when providing travel data. | <p>The Academy is pro-active in the management of pupil and teacher traffic. In addition, a new Travel Plan and Transport Statement have been produced as part of this planning application.</p> <ul style="list-style-type: none"> ▲ If it is expected that the school must be working towards instigating a 20MPH zone on the approach roads (in particular Groveside & Church Road) then they are willing to work with CBC Highways team in order to achieve this, and can add this to the Travel Plan and Transport Statement. <p>When approved, the Academy will adopt the Travel Plan and follow the actions required, reviewing at regular intervals.</p> <ul style="list-style-type: none"> ▲ It could be conditioned for the Academy to review the Travel Plan annually (for example). |
| 3 | RECOMMENDED Information sharing: the production of a school's parking leaflet (similar to that of a neighbouring authority) with distribution electronically where possible to schools, parents and via the Council's website and social media outlets. | The Academy has prepared a leaflet 'Dropping off Pupils at Henlow Academy', and will distribute this information to new parents and children upon enrolment at the school, and also to existing pupils, from Autumn term 2017. Some recommended information for parents and |

| | | |
|---|--|---|
| | | <p>children is provided in the appendices to the Henlow Academy Travel Plan:</p> <ul style="list-style-type: none"> ▲ Appendix B: A sample 'Travel Guide' leaflet, which Henlow Academy can use as a template to produce their own site Travel Guide ▲ Appendix C: Travel Plan - Action Plan which lists specific measures to be undertaken by the Academy over the forthcoming school year to promote sustainable travel |
| 4 | RECOMMENDED regular (termly) communication between Council Officers and Head Teachers, reinforcing the promotion of school travel plans and sustainable travel solutions. | The Academy is happy for this regular communication to be established with the appropriate Council officers. |
| 5 | RECOMMENDED that the Council fully enforce inappropriate parking on yellow 'zig zags' which are placed along the entire frontage of all schools, ensuring they are always positioned to the maximum enforceable length. | The Academy is happy for the Council to provide parking enforcement officers to police this. |
| 6 | RECOMMENDED that where parking restrictions exist, current measures are robustly deployed and enforced, taking into account existing resources. | The Academy has drawn up a duty rota of senior staff to supervise the front entrance to the site at the beginning and end of the school day. In addition, the Academy is happy for the Council to provide parking enforcement officers to police parking restrictions. |
| 7 | RECOMMENDED that visible signage be displayed outside all schools where deemed necessary, prohibiting parking and waiting between the hours of approximately 8-9am and 3-4pm, acknowledging that individual schools may have differing opening times, taking into account the impact of any restrictions upon residents within the area and existing budget constraints. | Academy staff are currently reviewing signage around and close to the site, and will take steps to improve it. The Academy is content for the requirement to provide new signage to be conditioned as part of any planning permission granted for the scheme |
| 8 | RECOMMENDED the introduction of 20mph zones outside of new schools and existing schools, assessing the most appropriate radius to place them in. | The Academy is content for CBC to put in place 20 MPH zones in the roads close to the site. |

| | | |
|----|---|---|
| 9 | RECOMMENDED that planning conditions already within the Council's remit be applied when considering school expansions and new builds, without the need to amend current policy. | The Academy is content for the local authority to impose conditions as it deems appropriate regarding parking and travel to school |
| 10 | RECOMMENDED that lower and primary schools be encouraged to allocate a designated member of staff to manage collection and drop off of children at the start and end of the school day. | N/A |
| 11 | RECOMMENDED that new schools and expansions include provision for school buses, access and turning wherever possible. | <p>This has been addressed at design stage, and the drawings submitted for planning show the following improvements to the site:</p> <ul style="list-style-type: none"> ▲ Car park extension to create 14 additional spaces, allocated as follows: <ul style="list-style-type: none"> ○ Visitor Parking – 4 spaces (marked numbers 11-14 on drawing 453-110B) which will double as a bus / coach waiting area (within restricted times) ○ DDA Parking – 1 space ○ Staff Parking – 9 spaces ▲ A new turning circle will be created for coaches/buses/other vehicles. Pedestrians will be protected by bollards. ▲ Emergency vehicle access to the new building has been considered. A 'Grasscrete' track will be created from the far end of the new car park towards the proposed block. |
| 12 | RECOMMENDED that schools promote a staggered start and finish time where a number of schools are in close proximity to one another in order to alleviate the pressure on parents needing to drop off children of differing ages to different schools. | This is something which could be explored with other nearby schools (Raynsford CofE Academy, the lower school which is located on Park Lane, for example). |
| 13 | RECOMMENDED that schools promote walking buses where practical, further strengthening schemes to encourage walking, cycling, scooting and other means of sustainable travel. | Walking buses are encouraged by means of existing 'travel to school' publicity distributed and promoted by the school. |

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| 14 | RECOMMENDED that middle and upper schools be encouraged to work with local transport providers to facilitate subsidised travel for out of catchment children, where practical. | A new bus route is being created from Stotfold for the group of children who will be outside of school catchment area. |
| 15 | RECOMMENDED that schools work closely with catchment area children and parents to minimise as much as possible any unnecessary short distance car journeys, taking into account the time constraints faced by working parents. | Induction meetings and literature distributed at regular intervals already stresses the importance of travelling to and from school by means other than the private car, wherever practicable. |
| 16 | RECOMMENDED that schools be encouraged to work closely with the local community in order to maximise shared resources including utilising village hall car parks, local supermarkets, park and stride solutions and liaison with parish councils in order to support improvements and closer partnership working. | <p>Local community arrangements are already in place for parent drop off and pick up parking with:</p> <ul style="list-style-type: none"> ▲ Boyd Field (Scouts car park) on Church Road ▲ Henlow Park Pavilion on Groveside ▲ The Five Bells on High Street ▲ The Millenium Field at the end of Gardiners Lane <p>Parents are allowed to use the car parks at each of these locations.</p> |