

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 25 April 2018

PRESENT

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

Cllrs M C Blair
K M Collins
I Dalgarno
F Firth
E Ghent

Cllrs C C Gomm
K Janes
T Swain
J N Young

Apologies for Absence: Cllrs Mrs S Clark
T Nicols

Substitutes: Cllrs D Bowater (In place of Mrs S Clark)
B J Spurr (In place of T Nicols)

Members in Attendance: Cllrs P Downing
P A Duckett

Officers in Attendance:	Mr D Ager	Principal Highways Officer
	Ms P Bramwell	Planning and Highways Solicitor, LGSS Law
	Mr M Heron	Principal Planning Officer
	Mrs C Jagusz	Committee Services Officer
	Mr D Lamb	Planning Manager North
	Mr L Manning	Committee Services Officer
	Mr R Page	Principal Highways Officer
	Mr M Plummer	Principal Planning Officer
	Ms S Sherwood	Committee Services Officer
	Ms J Ward	Senior Planning Officer

DM/17/1. **Chairman's Announcements and Communications**

The Chairman advised the meeting that the order of business for the planning applications would be as follows:

Items 10, 7, 6, 8, 9.

DM/17/2. **Minutes**

RESOLVED

that the minutes of the meeting of the Development Management Committee held on the 28 February 2018 be confirmed and signed by the Chairman as a correct record.

DM/17/3. **Members' Interests**

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

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr F Firth	6	Knows the applicant and has attended Parish Council meetings in which the application had been discussed. He advised he would speak as a ward Member and then retire from the meeting.	Absent
Cllr D Bowater	10	Has been heavily involved with fund raising in an organisation for the homeless service.	Present
Cllr N Young	6	Has met with the applicant through his role as Portfolio Holder/Executive Member.	Present
Cllr M Blair	7	Knows the Maulden Parish Council speaker through his (Cllr Bair) duties	Present

representing the ward. Has not been present at any Parish Council meeting when the item was discussed.

Cllr K Collins	6	Knows the Northill Parish Council speaker but has not discussed the application.	Present
----------------	---	--	---------

Cllr K Matthews	6	Knows the Northill Parish Council speaker but has not discussed the application.	Present
-----------------	---	--	---------

8	Has met the applicant's managing director when he (the md) was enquiring about procedure and Cllr Matthews assisted him. Also asked by the md when the item was due to be considered by the Committee. Based on the circumstances at that time Cllr Matthews advised incorrectly.
---	---

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

Member	Item	Nature of Interest	Present or Absent during discussion
---------------	-------------	---------------------------	--

None

(c) Member	Item	Parish/Town Council	Vote Cast
None			

DM/17/4. Planning Enforcement Cases Where Formal Action Has Been Taken

The Chairman advised Members to raise any issues they might have with regard to the planning enforcement cases with the Planning Enforcement and Appeals Team Leader.

DM/17/5. Planning Application No. CB/18/00615/REG3 (Dunstable Northfields)

The Chairman referred Members to the Late Sheet which contained a recommendation that consideration of Planning Application No. CB/18/00615/REG3 for the change of use from a Care Home (formally known as Greenacre) to temporary accommodation for homeless people (shared facilities) at Franklin House, Brewers Hill Road, Dunstable, LU6 1UU be deferred.

The Chairman felt that it would be unwise to proceed given that members of the public who had made representations on the application had not been informed of the Committee's meeting nor of their opportunity to attend and speak on the application.

On being put to the vote it was unanimously agreed.

RESOLVED

that Planning Application No. CB/18/00615/REG3 relating to the change of use from a Care Home (formally known as Greenacre) to temporary accommodation for homeless people (shared facilities) at Franklin House, Brewers Hill, Dunstable, LU6 1UU, be deferred one cycle.

DURING CONSIDERATION OF ITEM 7 BELOW COUNCILLOR P DOWNING ENTERED THE CHAMBER

DM/17/6. Planning Application No. CB/17/04583/OUT (Amphill)

The Committee had before it a report regarding Planning Application No. CB/17/04583/OUT, an outline application for the erection of 25 dwellings with roads and sewers at land adjacent to 129A and 131 Clophill Road, Maulden, MK45 2AE.

In advance of consideration of the application the Committee's attention was drawn to additional comments and additional/amended conditions as set out in the Late Sheet.

In advance of consideration of the application the Committee received representations from Maulden Parish Council, an objector and the agent for the applicant under the public participation scheme.

In response to the objector's concerns about the location of social housing blocks and parking, the Chairman explained that the application was for outline purposes and that approval was only being sought for the principle of the development and its access. If Members did approve the application, the applicant would have to return with a Reserve Matters application which would deal with the proposed layout of the dwellings and the objector would have opportunity to make any objections at that time. In response to the objector's comment the Chairman explained that the site layout before the Committee was indicative only and the Committee could not, therefore, take it into account as part of the current application. Following comment by the objector with regard to future consultation the Chairman stated that if the current application was approved, and when the Reserved Matters application was submitted, the objector would be notified. The objector added that he was not notified about the Committee meeting and had been omitted from the circulation. The Chairman assured the objector that the officers would have noted that point and would make sure that he was notified.

A Member drew the objector's attention to the Late Sheet and read out a new recommended decision which set out the requirement for a scheme to be submitted for the provision of affordable housing and approved in writing by the Local Planning Authority. The scheme would include the type, size, tenure mix and location on the site of the affordable housing provision. The Member stated that it gave the officers the opportunity to indicate certain requirements such as type, location and height. He added that the issues raised by the objector could be taken care of through the scheme. The objector stated that the recommended conditions coincided broadly with his own but he emphasised the need to take into account the detrimental impact of placing a two or three storey building next to a bungalow. The result of doing so could already be seen on Clophill Road.

A ward Member reminded the meeting that the application site abutted Maulden Wood, a Site of Special Scientific Interest (SSSI), the highest land designation found in Central Bedfordshire aside from a small piece of land found towards Caddington that fell within an Area of Outstanding Natural Beauty (AONB). He stated that any adjacent development to the SSSI would damage its biodiversity. Further, the Wood was within the Greensand Ridge Nature Improvement Area, of which the Council was a partner and supported it financially. The ward Member stated that site was also included within the emerging Local Plan and recognised by the Department for Environment, Food and Rural Affairs (Defra). He felt that the proposed reduction of the buffer zone between the application site and the Wood from 50m to 20m was unacceptable

and referred to the Planners' Manual for Ancient Woodland and Veteran Trees which identified the need for a 50m buffer between woodland and a development. In addition the Committee had previously approved a 50m buffer on a development on the site adjacent to the application and he felt that this distance should also apply to the current application.

The ward member referred to a Planning Inspector's earlier report which had found that that no development should take place closer to the Wood than that of the existing bungalows to the west of the site. He referred to the Council's previous unwillingness for a considerable period to contradict a Planning Inspector's decision on another site and compared it to the approach taken on the current application to ignore what the Inspector had found. The ward Member also expressed concern regarding the validity of the views expressed by the Home Builders Federation in favour of the application. He asked that the Committee adopt a degree of consistency in its approach and thinking.

The ward Member welcomed the applicant's willingness to contribute towards Maulden village. However, the proposed development, along with that previously approved on the adjacent site to the east, offered no access to local schooling as Maulden Lower School was some distance away and full, Clophill Lower School was also full and access lay across the A6 and there was no crossing facility. He stated that the buyers of the new homes would therefore find their children having to travel elsewhere to attend school. Similarly there were no shops or amenities in the area.

The ward Member stated that Maulden Parish Council fully recognised that there was an extreme housing need. He referred to the Committee having previously included conditions that building works had to start within five years in order to meet the five year rolling land supply. However, he suggested that the building start time for the application should change to three years to ensure that it was completed within the five year period and to allow the Committee a period of two years to make arrangements to replace the proposed dwellings if they were not built and the land was merely being banked as a piece of land with outline planning permission. The ward Member voiced frustration that the application was in Outline form only, given the possible development of the land had been considered for some years, and he referred to the concern suffered by local residents as a result. He queried why a Full application could not be submitted. He acknowledged that the applicant was willing to make a contribution but stressed the need to consider the broader picture which was that the emerging Local Plan included the SSSI and boundaries that were desired and needed. In addition there was a Planning Inspector's finding against development taking place closer to the Wood and only half of the application site would, therefore, be within the bounds set by the Inspector. The ward Member commented, however, that to comply with this would result in an ill match with the site to the east which had previously been approved. The Council therefore found itself in conflict as a result of its own previous decision. He also commented that Maulden Wood would suffer and there would be a detrimental impact on existing dwellings to the west of the application site because no real site boundary existed and the proposed

development had no consideration for local residents. If the application was to be approved he stated that he would wish to see the Reserve Matters to be actioned within one year, given the need to build homes, a condition requiring the start of building work within three years in order to achieve the 5 year land supply and Ward Members to be formally involved in reviewing the Reserved Matters application to ensure that there was no further detrimental impact on local residents and given that consultation had not been fully undertaken.

In conclusion the ward Member asked that the Committee either consider deferring the application given the failure to fully consult or reject it.

A second ward Member drew the Committee's attention to the landscape officer and ecology reports. He stated his belief that Maulden Wood needed to be protected and that he did not believe the development was sustainable given that the nearest school was a mile away, there were no shops and residents would need to commute to work thus increasing the number of car journeys on a relatively busy road. Whilst he understood the Local Plan and what the Council's housing needs were he did not feel that the application was right.

The Planning Officer responded to the points raised as follows:

- The former allocation in the Local Plan carried limited weight. It was only included to allow for a discussion on why the plan before the Committee differed which was predicated on the guidance with regard to the buffers.
- The ecological concerns were primarily based upon access to the buffer area. Whilst the plan showed a route through to the buffer, this was only illustrative, and all access would be removed at the Reserved Matters stage through conditions and the buffer appropriately managed.
- Natural England had raised no objections subject to the appropriate management of the buffer area which would be achieved by condition. Whilst not a designated gap he acknowledged that there would be a local impact on the landscape through urbanisation. This had been factored in through the balancing exercise contained in the report.
- With regard to SUDS there were conditions for drainage schemes and maintenance plans and no objections had been received in that regard.
- The application before the Committee was an Outline application so living conditions would be addressed at Reserved Matters.
- On the issue of build rate it was the intention of the developer to develop the site quickly. In the current circumstances the planning officer did not think it reasonable to include a condition or an element of the s106 Agreement to ensure building took place within a certain timescale. Further, based on recent case law, the development would still be taken into account when calculating the five year land supply whether it was constructed or not.
- Clophill and Maulden were identified as large villages with lower schools, shops and pubs and when sustainability was assessed in the

round, as it was in the officer's report, then the development was considered sustainable.

- The Chairman referred to comment regarding the outcome of a previous appeal decision in 2011. In response the planning officer stated that the decision had been made possibly within a different policy context and invited Members to consider the application on its own merits. He stressed that the appeal decisions were not determinative in any way in relation to what was currently before the Committee.
- The Chairman advised that no true comparison could be made between applications. He stated that it was always necessary to be aware that precedents hardly ever succeeded as the circumstances around each application were entirely different. He added that since 2011 policy and guidance matters had evolved, specifically the National Planning Policy Framework (NPPF). The further from the time of a decision the less likely it was to have a bearing on a current application. The Chairman then reassured objectors that their comments had not been overlooked and would be taken into account by the officers. The Committee's task was to consider, on balance, whether the benefits of an application outweighed the harm that was caused.
- The Chairman referred to the objections raised by the Greensand Trust and the Wildlife Trust and specifically to the former's claim that the application would cause harm to biodiversity and to the latter's claim that the application, allied to others, would give rise to cumulative harm. In response the planning officer stated that, viewed in conjunction with the site immediately adjacent, and having regard to Natural England's comments, the officers felt that the application was acceptable. He acknowledged the concerns with regard to access to the buffer and stated that such access would not be acceptable as it would result in harm to biodiversity. However, access could be controlled. Even if viewed in conjunction with the adjacent site the proposed buffer exceeded the requirement set out in the current guidance across the strip that abutted the SSSI and would be acceptable. He added that the current guidance was 15m whilst that proposed was approximately 22m in line with the adjacent site.
- The Chairman referred to comments from the ward Members regarding local schools in both Maulden and Clophill being full. In response the planning officer stated that the contributions requested from the Council's education officers satisfied the developer's requirement to contribute to infrastructure as a result of the development. The contributions alone were considered acceptable and it was the Council's statutory duty to provide education.
- Finally, the Chairman referred to what he felt to be an unusual request for ward Members to be involved in decisions regarding the layout of the dwellings. In response the planning officer explained the procedure following which the Chairman summarised by stating that the applicant would submit a Reserved Matters application (which would contain the proposed layout), the officers would consider it and, if the officers felt the application to be acceptable, the Members could, if dissatisfied, call it in

before the Committee for consideration. A Member queried why Members could not be consulted and indicated that he would raise this issue further.

- The third ward Member expressed disappointment that a 20m buffer zone appeared to be the maximum achievable though he was pleased that there was no suggestion to allow direct access to the buffer given the concerns expressed by the Greensand Trust and the Wildlife Trust. However, he had concerns regarding the inconsistent status awarded to the emerging Local Plan. He commented that Members were sometimes advised to give the Plan very little weight because it had yet to be submitted. However, in the case of the current application, Members were being advised that because of the site's potential for allocation in the Local Plan then sufficient weight should be given to allow the application to be approved. The ward Member sought clarification on the scale of the site in the Plan as he felt that, if it was a significantly smaller area than that sought under the current application, there was justification to seek a smaller development
- The ward Member expressed sympathy for the objector's position and the issue of overlooking before drawing the Committee's attention to an apparent difference in density when comparing the application site to that of its neighbour. Whilst a recommended condition allowed for a maximum of 25 dwellings he was of the opinion that there could be a case for reducing that number. He felt that an attempt had been made to maximise the number dwellings on the site which was relatively narrow plot compared to its neighbour with a smaller frontage on to the road. In order to achieve an acceptable layout it might be necessary to reduce the number of dwellings and he suggested that this be done at this stage. In response the Chairman advised the ward Member that the application could not, as far as he was aware, be changed by Committee and if Members thought the proposed number of dwellings was too many they would refuse it.
- With regard to the query regarding the weight to be allocated to the emerging Local Plan the planning officer advised that it was still fairly limited. However, and notwithstanding the Plan's status, the officers felt the application to be acceptable. Whilst there was a 50m buffer on the neighbouring site it had been based on guidance which had been superseded. The proposed buffer for the application before Members still exceeded that required under the revised guidance for the buffer distance between a development and an SSSI.
- The ward Member welcomed the contribution to the Maulden Village Hall. He then referred to a request made over several years for an additional admission year at Maulden Lower School but the required figure of 30 had not been reached. He suggested that, should the application be approved, this figure could be achieved and it could be ensured that the contribution towards education went to the right place.
- The ward Member who had first spoken expressed concern regarding the officers' restricted use of s106 funding and drew the Committee's attention to the large number of members of the scouting movement,

and those on the waiting list, in his ward and the associated need for a new scout hut. The Chairman reminded the ward Member of the need to comply with the requirements of the Community Infrastructure Levy (CIL). The ward Member suggested that officers be steered, not just to the Village Hall, but to a new scout hut when discussing s106 contributions as the latter would be of huge benefit to young people. The Chairman pointed out that there would be a limit to the amount of funding that could be raised through s106 and if the ward Member's preference was adopted another body would not receive anything.

- A Member suggested that the ward Member consider how s106 monies were sought from applicants. He also suggested the ward Member determine whether he (the ward Member) had registered the need for a new scout hut with the leisure officers so that the latter could seek contributions toward a new scout hut.
- The Member then concurred with the objector's representation regarding the inappropriate use of an existing wire fence to separate the new development from the existing development to the east. He commented that this should be replaced, if appropriate, by a 2m high fence through a condition. He then referred to the issues raised by the objector of siting of social housing on the boundary and overlooking before expressing his disappointment that a Full application had not been submitted and his dislike for outline applications in general and with regard to the current application given the relatively small number of dwellings concerned. The Member then turned to a comment by the first ward Member speaker regarding the construction timetable. Although the Council had a five year land supply he was also mindful that the government was seeking to impose a total of 3k new homes a year on Central Bedfordshire. He added the government would require a review of all plans in 5 years and at that point, if not before, the Council would be under pressure to meet the 3k figure. He therefore asked the officers if there was a method for accelerating construction, something the government was also seeking from local authorities. He doubted there would be a delay with the current development in view of its relatively small size.
- Turning next to a previous Planning Inspector's finding on the distance a development could be to the Wood the Member drew the Committee's attention to the development to the east of the application site being considerably closer to the Wood than the Inspector had felt suitable. On this basis the Member stated that, at some point, a precedent had been set. In contrast, a different Inspector had decided that the development to the west of the application site should be further away. The Member felt that if the Committee was minded to approve the application it should look closely at the layout and the height of the buildings to minimise the impact on the Wood. He also felt the ward Members should be consulted on the layout. Following a query by the Member it was clarified that there was a recommended condition that the development would be 'up to' 25 dwellings in size. The Member then referred to the report and queried why the education spending officer had not sought any monies if the local school was full and the funding

could be used towards a new classroom. He felt that a proposal for this should be in place so action could be taken.

- Last, the Member queried which part of the application site was not allocated in the Local Plan. In response the planning officer advised the Committee of the boundary which lay approximately 50m from the Wood. The Member commented that this complied with the Planning Inspector's finding from 2011. However, the Chairman stated that the decision had been made in 2011 and new planning guidance had since superseded it. Further, over time, conflicting views from different Planning Inspectors had been made which had given rise to legal interpretation as to which decision should currently apply. The Chairman then asked if the Member had a planning reason why that area of land which formed part of the application site but which did not appear in the Local Plan should be excluded from the application. In reply the Member stated that it was not possible to give significant weight to the Local Plan until it had been submitted and the process of adoption had reached a certain point. However, he stated that it was possible to give weight to the technical evidence and there was nothing in the officer report setting out why the technical evidence underpinning the Local Plan chose to limit the depth of the site to a boundary running at approximately the same point as the extent of the existing development to the west of the application site. When planning permission was granted for the development to the east of the application site the technical evidence clearly supported that allocation. He asked that, if the technical evidence did not support the allocation, an explanation be given for the reason. In response the planning officer referred to the report and the discussion set out within it regarding the emerging allocation and the proposed application. It was acknowledged in the report that the two schemes would differ as a result of the changes to the guidance on the buffer depth to SSSIs. The Member acknowledged and accepted this explanation.
- The Member then sought an explanation as to the failure to contribute towards biodiversity, an issue in which the government was taking an increasing interest. In reply the Planning Officer stated that there was a requirement in national policy to offset severe harm to biodiversity. However, the application site in itself was of limited ecological value and it was the SSSI which was of importance in this regard. The buffer was considered sufficient to ensure that flora and bio diversity was preserved. There was also a recommended condition for ecological enhancements at the site.
- A ward Member referred to the officer report and the description of buffer distance of approximately 22m between the 'built form' and the Wood. He commented on the presence of back gardens to the dwellings, their distance from the dwellings and commented that this should be taken into account of. Based on this he suggested that no built form should be allowed beyond a point in line with the existing dwellings to the west. The Chairman pointed out that it was not possible to change application and Members could vote for refusal if they objected to it. Following further comment by the Member regarding the layout within the

application the Chairman reminded the meeting that the layout was illustrative only.

- A Member commented that it was difficult for the Committee to consider the application properly in outline form only. He acknowledged that the layout was indicative but the impact on neighbouring homes and the proximity of the built form to the Wood were critical to the consideration of the application. Although the layout was only indicative he felt it raised the question as to whether it was possible to fit 25 dwellings within the site without either overdevelopment or building too close to the Wood. He did not feel certain that it was possible to make a safe decision based on indicative drawings that did not explain how it possible to fit 25 dwellings on the site. In response the Chairman stated that the Committee could not insist that a Full application be submitted and the Committee would find it difficult to justify refusing an application because it was in Outline form only. With regard to whether 25 dwellings could be fitted into the application site this would be considered at Reserved Matters stage. The planning officer explained that Members could consider whether the 25 dwellings would be overdevelopment but the officer opinion was that this number was acceptable. The gardens met the Council's minimum guidelines as did the distance between properties. He stated that officers believed that it was possible to fit 25 dwellings on the site when submitted through Reserved Matters whilst not appearing cramped or overdeveloped and preserving the buffer distance to the SSSI.
- To assist Members the legal officer made reminded the meeting that the applicants could choose whether to submit either an Outline or Full application followed by a Reserved Matters application if necessary. The plan before the Committee was illustrative with the aim of providing an idea of what could be developed on the site. At the Reserved Matters stage it would need to come back to officers and at that point they would determine acceptability. She also drew Members' attention to the recommended condition which stated that up to 25 dwellings were permitted.

On being put to the vote 8 Members voted for approval, 3 voted against and 2 abstained.

RESOLVED

that Planning Application No. CB/17/04583/OUT relating to land adjacent to 129A and 131 Clophill Road, Maulden, MK45 2AE be approved as set out in the Schedule attached to these minutes.

AT THE CONCLUSION OF ITEM 7 ABOVE COUNCILLOR P DOWNING LEFT THE MEETING

THE COMMITTEE ADJOURNED AT 11.13 A.M. AND RECONVENED AT 11.25 A.M.

DM/17/7. Planning Application No. CB/17/04476/OUT (Northill)

The Committee had before it a report regarding Planning Application CB/17/04476/OUT, an outline application for a new plant production unit and access road and enabling commercial development (B1/B2/B3) of up to 9275sqm and residential development of up to 35 dwellings at Woodlands Nurseries, Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BJ.

In advance of consideration of the application the Committee's attention was drawn to additional consultation/publicity responses, additional comments and additional/amended conditions as set out in the Late Sheet. The planning officer also advised of the receipt of comments from Highways England which had arrived late yesterday after the publication of the Late Sheet. Highways England had raised no objection to the application but had recommended the inclusion of certain conditions. The planning officer stated that the conditions were almost the same as those set out in the Late Sheet.

In advance of consideration of the application the Committee received representations from Northill Parish Council and the applicant under the public participation scheme.

(Note: At this point in the proceedings Councillor Firth, as the ward Member, withdrew from the seating allocated to Members of the Committee and sat at the seat allocated to public speakers to address the meeting).

The ward Member acknowledged that a previous application for up to 40 dwellings had been refused but approval had already been given for 15 dwellings through an earlier permission and the application would, in effect, increase this by a further 20. He stated that the application for up to 40 dwellings had been refused because the development site lay outside the settlement envelope. However, he felt the site was sustainable with a regular bus service running between Biggleswade and Bedford along the Biggleswade Road and, approximately ¾ mile away along Biggleswade Road was a shop. He concluded by stating that he supported the application and asked the Committee to do so as well.

(Note: Councillor Firth left the meeting at this point and took no further part in the debate or in the vote on this item).

The Committee considered the application and in summary discussed the following:

- A Member's comment that, whilst he understood the reluctance to use the site for a residential development, the application before the meeting was for a more modest number of dwellings than had been applied for previously. Further, it had been shown how the overall development would be sustainable, create employment and be a better use of the site.

On being put to the vote 11 Members voted for approval, 0 voted against and 1 abstained.

RESOLVED

that Planning Application No. CB/17/04476/OUT relating to Woodlands Nurseries, Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BJ be approved as set out in the Schedule attached to these minutes.

AT THE CONCLUSION OF ITEM 6 ABOVE COUNCILLOR F FIRTH RE-ENTERED THE CHAMBER

DM/17/8. Planning Application No. CB/17/05480/FULL (Cranfield and Marston Moretaine)

The Committee had before it a report regarding Planning Application CB/17/05480/FULL for the change of use of land from a garden centre to a Sui Generis use of temporary and portable buildings, including erection of office, workshop and formation of open storage area, parking improvements to access and landscaping, following demolition of existing structures on Staples Wholesale Nursery, Fordfield Road, Millbrook, Bedford, MK45 2HZ.

In advance of consideration of the application the Committee's attention was drawn to additional/publicity responses, additional comments and an additional informative as set out in the Late Sheet.

In advance of consideration of the application the Committee received a representation from the applicant under the public participation scheme.

A Member sought clarification from the applicant regarding the extra number of Heavy Goods Vehicle (HGV) movements from his company's other depots to compensate for the current lack of a suitable depot site in the Ampthill area to service their market and what number of HGV movements could be expected from the application site. In response the applicant stated that, on average, there four HGV movements a day from the application site although this might not occur every day and would certainly be no more than was experienced at the existing depot. He added that the figure excluded other vehicle movements such as those by vans.

The Chairman asked for clarification on how certain the envisaged increase in employment was. In response the applicant stated that the increase was extremely certain as some of the companies surrounding depots were using their own labour to provide buildings for the Ampthill area and this was putting those depots under strain. They were not able to fulfil all of the orders that they could take.

The company's market position as a major supplier and a recent agreement with a customer clearly indicated that there were additional opportunities for the

growth of the Ampthill depot. However, there was insufficient capacity on the existing site.

The Chairman next asked the applicant to indicate what other sites within the Ampthill area they had considered. In reply the applicant stated that no sites had been looked at because none had been available. He also made clear that it was not a question of price when looking at sites. The company had been searching for a replacement depot site for over four years with agents searching within a 15 mile radius and nothing suitable had been found. He referred to the conclusion reached by the Business Investment Officers which confirmed that.

Following a further query by the Chairman the applicant confirmed the action taken to attempt to secure alternative premises and the failure to locate a site apart from that before the Committee. He stressed that it was not a question of price as the company would pay whatever the relevant value was within the area. The Chairman commented that he would have expected the Council's economic development officers to have assisted with the finding of an alternative site for a depot if they could have done so given the importance of the application site's Green Belt status.

A Member advised the applicant of the Council's ambition, following the construction of the M6-A1 strategic link road, to prevent HGV movements outside of the major road network apart from the loading and unloading of such vehicles. The major network with regard to the application would be the A507, A6, M1 and so forth. The Member stated that the applicant's large vehicles would therefore be expected to use the A507, rather than travelling south along Steppingley Road and through Flitwick, in order to access the M1 and the A507 to also access the A1. He sought clarification from the applicant on the company's intentions. In response the applicant stated that he would have to ask the company's planning consultant but, as far as he was aware, the company would only use routes that were designated as acceptable for HGVs. The Member acknowledged this but stated that the quickest route to the M1 was south through Flitwick to Junction 12 rather than going on to the A507 and travelling east to Junction 13. He asked if the applicant would regard it as reasonable for the Council to request or condition that the company's large vehicles used the A507 route. In response the applicant stated that he did not know enough about the local road network to answer. In addition the company did not own any HGVs and that those used would be from suppliers in the local area. The Chairman explained that he believed this query had been raised by the Member because of a situation where HGVs used by the suppliers to another business had caused problems by travelling through a village. The business concerned had subsequently advised its suppliers to use an alternative, specific route in an attempt to avoid the village. The Chairman stated that the Member was asking if the applicant was willing to do the same and specify the route the HGVs from the company's suppliers should use. The Chairman fully acknowledged that the applicant could not insist that his suppliers use a particular route but asked if he would be willing to recommend to his suppliers that they do so, thus avoiding Steppingley and Flitwick.

Following clarification the applicant stated that he would be willing to recommend the use of the A507 to his suppliers.

A Member asked where the area would be serviced from if the application was refused. The applicant responded that the existing Ampthill depot would have to close and the company would operate through its nearest depot at Chawston. Eight jobs would be lost at the Ampthill site as a result. In response to a Member's question, the applicant stated that he would be meeting landlord of the Ampthill site to allow a short term extension of its lease until the new site on Fordfield Road was ready. He added that he had short term contingency plans in place if an extension to the lease was not an option.

The Chairman stated that Councillor Morris, one of the three ward Members, was unable to be present at the meeting due to work commitments. However, he had supplied a statement setting out his opposition to the application which the Chairman read out.

The Chairman advised that the second ward Member, Councillor Mrs Clark, was currently on holiday so also unable to attend. The Chairman then reminded the Committee that he was the third ward Member but he would not indicate his preference at that time. He commented that, as the site was within the Green Belt, the applicant had to demonstrate special circumstances to overcome the harm by way of inappropriateness and he invited Members to consider if the applicant had done so. The Chairman then referred to the planning officer who considered that there were very special circumstances that weighed in favour of the application and the Chairman indicated that he had no reason to dispute this conclusion.

The Committee considered the application and in summary discussed the following:

- A Member stated that he believed the application was an unfortunate encroachment into the Green Belt. Further, the wholesale nursery business, which currently used the site, did more than sell plants and provided a range of services of value to the area including shops and catering. Whilst acknowledging that the site had been run down over the 2-3 years since Center Parcs had started on the neighbouring site it would still result in the loss of a valued facility for the local area. He expressed concern over the encroachment on to the Green Belt and the type of business which was proposed to be carried out on the site. He indicated that, if the application was approved, he would want to see a low level of lighting at night. That was an issue of particular concern to local residents. In addition he asked that landscaping and trees be retained and enhanced to offset the loss of the facility.
- The Chairman queried whether the garden centre was likely to survive whatever the outcome. The Member responded that the state of the site was due to the current owner failing to make any investment or effort. He commented that Center Parcs had wanted to acquire the site though he stated that this was not a matter for debate at the meeting. However,

he felt that there was much that could be done to retain the existing business or bring in the Center Parcs type of Green Belt appearance. If the application was approved then it should be made to look like a part of the Green Belt and generally reduce unnecessary lighting and nuisance generally. The Chairman stated that, if members were minded to approve the application, the lighting issue would be dealt with.

- A Member drew the Committee's attention to the substantial size of the proposed operation on the application site and the resulting importance of screening which he felt should be conditioned. He stressed the detrimental impact on the landscape that could arise, should it not be screened, given the potential storage of up to 300 modular buildings to a height of 6 metres. The Chairman commented that he believed the landscape officer had not raised any objections because considerable screening was already in place.
- A Member referred to the Committee's recent site inspection and how the mature trees already present at the site screened it very well. However, he expressed concern regarding the longevity of the trees and, when they died, what they would be replaced with. He queried whether it would be possible to ensure that measures were in place to prevent the site becoming open should the trees die. In response the planning officer referred to the proposed landscape plan for the site and the tree protection measures that would be taken during construction. Whilst understanding the Member's concern he stated that he could not advise Members to make a decision based on what could possibly happen in the future.
- A Member concurred with the effectiveness of the existing screening of the site. However, he had a concern regarding the turning of HGVs out of the site entrance onto Fordfield Road, which had a speed limit of 50 mph though most drivers drove at nearly 60 mph. The Member felt that a much better visibility splay should be provided at the site entrance and referred to the problem experienced when the small coach used by Members for the site inspection entered on to Fordfield Road. He added that it was not easy for traffic to see vehicles entering or leaving the site until the vehicles were in the middle of the road. The Member suggested removing some of the screening to the left of the exit. He also commented that the entrance was not suitable for HGV use and, in his experience, the quality of the entrance made it difficult for a car to leave the site. In response the highways officer confirmed that the speed limit was 50 mph and the size of the existing visibility splay conformed to the requirements of the Design Manual for Roads and Bridges. He stated that highways officers could establish if any branches obscured the visibility splay and request that they be removed. The Chairman concurred and was of the opinion that if a problem existed it could, if necessary, be dealt with by trimming back the trees without affecting their height.
- Following a query by the Chairman the Committee was advised that a condition required the entrance gates to be set back a considerable distance from the road.

- A Member expressed concern regarding the 50 mph limit on Fordfield Road, mindful that traffic normally travelled at 60 mph. He referred to the close proximity of the access to Center Parcs, the concentrated vehicular presence on particular days and the poor visibility for traffic approaching from the direction of Flitwick. In addition, once past the Center Parcs entrance, vehicles could be almost immediately faced by a large lorry exiting the application site and asked if a reduction to 40mph could be considered. The highways officer responded that the Member's suggestion could be referred to the relevant highways section for consideration but such a reduction had not been examined in connection with the application because the visibility splays met the Design Manual requirements. The Chairman advised the Member to approach the highways section and ask it to consider his request and whether a change was necessary and undertake the checks that could determine this. The Member continued that the same issue had arisen when the application for Centre Parcs was being considered. Further, at that time there was a crossroads at the junction with the A507, which slowed traffic. The roundabout which had since been installed allowed traffic to maintain its speed. He stated that a formally quiet road had become a 'rat run', experienced traffic for Center Parcs and was now expected to accept vehicle movements connected with the application. The Member felt the situation should be, at least, monitored.
- A Member stated that he understood the concerns expressed but felt that the officer's report reached the correct conclusion. However, he felt the screening to the rear of the site was slightly inadequate, though he also stated that Center Parcs had removed some trees which would have assisted in screening it from the application site. He referred to the concerns expressed by Center Parcs relating to noise disturbance to the nearest chalets and stated that by paying attention to the landscaping issues at the rear of the site it would also help inhibit noise levels. He asked that the relevant condition be strengthened or applied. The Member also referred to a bridleway which ran close to the application site and suggested that, in order to maintain the rural character of the area whilst recognising the need for security on the site, a condition requiring the use of low level PIR (passive infrared sensor) controlled LED (light emitting diode) lighting, should be adopted. Finally, and if it was not possible to add a condition, he requested that an advisory (informative) be added stating that delivery/collection drivers of vehicles over 7.5 tonnes should be requested to only use the A507 and there should be advisory signage within the site stating 'Left Turn Only' with additional suitable wording in order to deter large vehicles from travelling through Flitwick. The Member informed the meeting that he would seek to have restrictive measures introduced on the use of Fordfield Road by lorries should the advisory be ignored. He assured Members that the situation would be monitored.
- The Planning Officer stated that there was an intention to increase the screening to the rear of the site and it was covered under the landscaping plan in condition 7. He stated that, with regard to the lighting, condition 6 could be amended to take into account Members

comments, including a scheme to reduce light pollution. The informative for the HGV route was appropriate and the applicant had agreed to that. Further, signage within the site could be conditioned.

- A Member drew the Committee's attention to the site operating hours and comment was exchanged relating to the issue of light pollution.

On being put to the vote 11 members voted for approval, 1 voted against and 1 abstained.

RESOLVED

that Planning Application No. CB/17/05480/FULL relating to Staples Wholesale Nursery, Fordfield Road, Millbrook, Bedford, MK45 2HZ be approved as set out in the Schedule attached to these minutes.

AT THE CONCLUSION OF ITEM 8 ABOVE COUNCILLORS P DUCKETT AND B SPURR LEFT THE MEETING

DM/17/9. Planning Application No. CB/17/04479/FULL (Biggleswade South)

The Committee had before it a report regarding Planning Application CB/17/04479/FULL for a change of use of ground floor restaurant (no.61) and vacant (former) undertaker (no.63) into residential dwellings. 2 no. existing first floor apartments to remain as existing at 61 Hitchin Street, Biggleswade, SG18 8BE.

In advance of consideration of the application the Committee's attention was drawn to additional/publicity responses as set out in the Late Sheet. In addition the planning officer read out additional information that she had received from the applicant setting out the terms under which the tenant of the ground floor Indian restaurant had agreed to surrender his lease, vacate the premises and withdraw his objection to the application. The Committee noted that the tenant was to relocate elsewhere within Biggleswade.

The planning officer also informed the meeting that she had received a letter from the owner of the Indian restaurant stating that the latter had now withdrawn his objection to the application.

No representations were received by the Committee under the public participation scheme.

The Chairman reported that the application had been called in by a ward Member who was unable to attend the meeting due to work commitments. However, at the ward Member's request, the Chairman read out the reasons supplied by the ward Member in support of refusing the application. The Chairman then raised the issue of why some planning applications were called in by Members, the reasons used to justify doing so and their validity. He suggested that the rules regarding the calling in of applications should be made

clear at the next meeting of the Committee, which was the first in the new municipal year.

The Committee considered the application and in summary discussed the following:

- A Member stated that he had no issue with the application in principle. He referred to the usual stance taken by the Biggleswade Chamber of Trade on the loss of retail business in the town and expressed relief that the applicant had compensated the existing tenant and that the tenant had found alternative premises.

On being put to the vote 11 Members voted for approval, 0 voted against and 1 abstained.

RESOLVED

that Planning Application No. CB/17/04479/FULL relating to 61 Hitchin Street, Biggleswade, SG18 8BE be approved as set out in the Schedule attached to these minutes.

DM/17/10. **Late Sheet**

In advance of consideration of the planning applications attached to the agenda the Committee received a Late Sheet advising it of additional consultation/publicity responses, comments and proposed additional/amended conditions. A copy of the Late Sheet is attached as an appendix to these minutes.

DM/17/11. **Site Inspection Appointment(s)**

NOTED

that the next meeting of the Development Management Committee will be held on 23 May 2018.

RESOLVED

that all Members and substitute Members along with the relevant ward representatives be invited to conduct site inspections on 21 May 2018.

(Note: The meeting commenced at 10.00 a.m. and concluded at 12.30 p.m.)

Chairman

Dated

This page is intentionally left blank

Item No. 7

APPLICATION NUMBER	CB/17/04583/OUT
LOCATION	Land adj 129A and 131 Clophill Road, Maulden, MK45 2AE
PROPOSAL	Outline: Erection of 25 dwellings with roads and sewers
PARISH	Maulden
WARD	Amphill
WARD COUNCILLORS	Cllrs Duckett, Blair & Downing
CASE OFFICER	Matthew Heron
DATE REGISTERED	24 September 2017
EXPIRY DATE	25 December 2017
APPLICANT	Messrs D, M, S & Miss L Humphries
AGENT	J & J Design
REASON FOR COMMITTEE TO DETERMINE	Objection from Maulden Parish Council to a major development
RECOMMENDED DECISION	Outline application – Recommend approval subject to completion of legal agreement

Recommendation:

That Outline Planning Permission be GRANTED subject to the completion of a S106 for affordable housing and contributions to local infrastructure and the following conditions:

RECOMMENDED CONDITIONS

- 1 Details of the appearance, landscaping, layout, and scale, (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 Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 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 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans; 1205/1A.

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

- 5 The number of dwellinghouses approved shall not exceed 25.

Reason: To appropriately manage the scale of the development at the site, in accordance with Policies CS14, DM3 and DM4 of the Core Strategy and Development Management Policies 2009.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order amending or re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A and B shall take place.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the character of the area and neighbouring living conditions, in accordance with Policies CS14, DM3 and DM14 of the Core Strategy and Development Management Policies 2009.

- 7 Prior to first occupation of the buildings hereby approved full details on a suitably scaled plan of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out and retained as approved. The landscaping details to be submitted shall include:-

- a) means of enclosure;
- b) existing and proposed finished levels and finished floor levels.
- c) planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix;
- d) details for all external hard surface within the site, including roads, drainage detail and car parking areas.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy DM14 of the Core Strategy and Development Management Policies 2009.

- 8 All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and

species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy DM14 of the Core Strategy and Development Management Policies 2009.

- 9 The development shall not commence until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority. The statement shall include:

- i) waste management measures;
- ii) details of site compounds, offices and areas to be used for the storage of materials;
- iii) methods and details of dust suppression during construction;
- iv) proposals to minimise harm and disruption to the adjacent local area from ground works, construction noise and site traffic.
- v) construction traffic routes

The development shall be carried out in accordance with the details so approved.

Reason: In the interest of highway safety and the living conditions of surrounding properties.

- 10 Prior to the first occupation of the buildings hereby approved, a scheme for external lighting shall be submitted to and approved in writing by the local planning authority. Subsequently, the development shall be carried out and retained in accordance with approved details.

Reason: To ensure a satisfactory appearance to the development and in the interest of biodiversity in accordance with Policies CS14, CS18, DM3 and DM14 of the Core Strategy and Development Management Policies 2009.

- 11 A landscape and ecological management plan for the 'buffer' between the development hereby approved and the adjacent SSSI shall be submitted to, and be approved in writing by, the local planning authority prior to the first occupation of the development. The content of the plan shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The approved development will be implemented in accordance with the approved details.

Reason: In the interest of biodiversity, in accordance Policy CS18 of the Core Strategy and Development Management Policies 2009.

- 12 Prior to the first occupation of the development hereby approved details for ecological enhancements at the site shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall be carried out and retained in accordance with these details.

Reason: In the interests of biodiversity, in accordance with Policy CS18 of the Core Strategy and Development Management Policies 2009.

- 13 Should any unexpected contaminated material be encountered during development, the development must cease immediately and the Council must be informed without delay and an appropriate course of action agreed in writing. Subsequently, the development shall continue in accordance with this agreed course of action until completed.

Reason: In the interest of human health.

- 14 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Surface Water Drainage strategy (June 2017) and an assessment of the hydrological and hydrogeological context of the development, 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, 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 para 103 of the NPPF

- 15 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised '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.

- 16 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.

- 17 Visibility splays 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 splays shall for the perpetuity of the development remain free of any obstruction to visibility.

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

- 18 Visibility splays 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 splays 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.

- 19 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.

- 20 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate an independent vehicular turning head area's for an 11.5m refuse collection vehicle.

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.

- 21 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.

- 22 No development shall commence until dropped crossing points to both bus stops on Clophill Road in the near vicinity of the development entrance have 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 re-sited to provide an unobstructed footway to the crossing.

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

- 23 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include the type, size, tenure mix and location on the site of the affordable housing provision to be made.

Reason: To ensure that the affordable housing associated with this development is appropriate, in accordance with Policies CS7 and DM10 of the Core Strategy and Development Management Policies 2009.

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.

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.

Item No. 6

APPLICATION NUMBER	CB/17/04476/OUT
LOCATION	Woodlands Nurseries, Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BJ
PROPOSAL	Outline application for new plant production unit and access road and enabling commercial development (B1/B2/B8) of up to 9,275sqm and residential development of up to 35 dwellings
PARISH	Northill
WARD	Northill
WARD COUNCILLORS	Cllr Mr Firth
CASE OFFICER	Martin Plummer
DATE REGISTERED	15 September 2017
EXPIRY DATE	15 December 2017
APPLICANT	Chessum Plants
AGENT	DLA Town Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Major application which is a departure from the Development Plan.
RECOMMENDED DECISION	Outline Application - approval recommended.

Recommendation:

That Planning Permission be **APPROVED** subject to the completion of a legal agreement securing contributions to local infrastructure and 35% affordable housing and subject to the following conditions:

RECOMMENDED CONDITIONS

- 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 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 01-02-003 Rev N, 01-02-004 Rev E, 01-02-005, 01-02-006, WB-TS, Landscape Strategy Plan.

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

- 3 **No development shall take place until approval of the details of the appearance, landscaping, layout and scale of the development 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.

- 4 The number of dwellings approved on the site shall be restricted to 35 as shown on the approved drawings and application form.

Reason: To ensure that adequate provision of housing is provided which is justified in viability terms having regard to the conflict with policy DM4 of the CSDMP 2009.

- 5 The approved commercial buildings shall not exceed 9,275 square metres as shown on the approved drawings and application form.

Reason: To ensure that the Council retains control in respect of the development and the impact on the character and appearance of the site and surroundings.

- 6 Within the submission of any subsequent reserved matters application, landscape design proposals based on the approved plans which sees retention of existing landscaping to the south east boundary with the A1 and provision of landscaping to the east and southern boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority. The development will thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of adequate landscaping in the interests of the character and appearance of the site and surroundings.

- 7 Within the submission of any reserved matters application, any layout drawings relating to the new access road shall include details of the unaltered alignment of the public right of way (Public Footpath No.7) which runs through the site together with an temporary measures to ensure that the public right of way is maintained and made available for use by members of the public during implementation of the approved development. The development will be implemented in accordance with the approved details.

Reason: To ensure adequate access for users of the public right of way.

- 8 The development hereby approved shall be carried out in accordance with the mitigation measures within the approved Flood Risk Assessment Ref:1339 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development adequately mitigates against flood risk matters.

- 9 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed SuDS Team response letter (Nov

2017), and Flood Risk Assessment (Sep 2017). The scheme shall also include details of how the system will be constructed, including any phasing, 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 para 103 of the NPPF.

- 10 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised '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.

- 11 No above ground building works shall take place until a method statement for the creation of new wildlife features, enhancement of semi-natural habitats and tree, hedgerow, shrub and wildflower planting/establishment has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance;
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure provision of net gain in biodiversity in accordance with the National Planning Policy Framework.

- 12 No above ground building work shall commence in relation to the approved residential development until a scheme for protecting the proposed dwellings from noise and/or vibration from commercial activities including glass house activity and deliveries has been submitted and approved by the local planning authority. None of the dwellings shall be occupied until such the scheme has been implemented in accordance with the approved details, and shown to be effective. The scheme shall be retained in accordance with those details thereafter.

Reason: To ensure adequate living conditions for future residents of the development in accordance with policy DM3 of the CSDMP 2009.

- 13 In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings shall be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report should be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until any remedial and validation works are approved in writing, to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

Reason: To ensure that risk to the environment and water sources is adequately controlled and mitigated in accordance with the National Planning Policy Framework.

- 14 Development shall not begin until details of the eastern (commercial) junction between the proposed road and the highway has been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.

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

- 15 The residential development shall not begin until details of the western (residential) junction between the proposed road and the highway have been approved by the Local Planning Authority and no dwelling shall be occupied until that junction has been constructed in accordance with the approved details.

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

- 16 Visibility splays shall be provided at the junction of the eastern (commercial) junction 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 215m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

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

- 17 Visibility splays shall be provided at the junction of the western (residential) junction 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 splays shall, on land in the applicant's control, be kept free of any obstruction.

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

- 18 No development shall commence until details of the closure of the existing access to commercial traffic to the site has been submitted to and approved in writing by the Local Planning Authority. The closure for commercial traffic shall be implemented within 3 months of the first use of the new approved access. The development shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority

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

- 19 Prior to the commencement of any above ground building works, details of pedestrian access between the application site and Upper Caldecote shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a combination or provision of either 1) A new footway (to the southern side of Biggleswade Road between the new access and Upper Caldecote), 2) Provision of an informal crossing point between the application site and the northern pedestrian footway along Biggleswade Road or 3) Improvements/access between the residential element and public right of way no 7.

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

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.

This page is intentionally left blank

Item No. 8

APPLICATION NUMBER	CB/17/05480/FULL
LOCATION	Staples Wholesale Nursery, Fordfield Road, Millbrook, Bedford, MK45 2HZ
PROPOSAL	Change of use of land from garden centre, to a Sui Generis use for the storage, refurbishment and hire of temporary and portable buildings, including erection of office, workshop and formation of open storage area, parking, improvements to access and landscaping, following the demolition of existing structures.
PARISH	Millbrook
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Morris, Matthews & Mrs Clark
CASE OFFICER	Matthew Heron
DATE REGISTERED	13 November 2017
EXPIRY DATE	12 February 2018
APPLICANT	Forte Developments
AGENT	Kirkby Diamond
REASON FOR COMMITTEE TO DETERMINE	Referred to Committee by Assistant Director for Development and Infrastructure
RECOMMENDED DECISION	Full Application - Recommend approval

Recommendation:

That Planning Permission be GRANTED subject to the following:

RECOMMENDED CONDITIONS

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

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

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans; 1889/1 & 9910/1/001 E & 17029-LP & 17029-05 & 17029-03 & 17029-01 & details contained in Part 6 of the August 2017 Ecological Survey as already submitted with the planning application.

Reason: To identify the approved plans, to avoid doubt and in the interests of biodiversity in accordance with Policy CS18 of the Core Strategy and Development Management Policies 2009.

- 3 The development hereby approved shall not be used other than for mixed light industrial (B1(c)) and storage and distribution (B8) purposes and for no other uses.

Reason: To ensure that the Local Planning Authority can appropriately manage the uses at the site, in the interest of the principle of the development and the Green Belt, in accordance with the provisions of the Framework.

- 4 Prior to the construction of the workshop hereby permitted, as identified on drawing no. 1889/1, full specifications of the materials to be used for its external surfaces must be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall be carried out and retained in accordance with approved details.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS14, DM3 and DM14 of the Core Strategy and Development Management Policies 2009.

- 5 The combined height of modular buildings stored within the site shall not exceed 6m.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS14, DM3 and DM14 of the Core Strategy and Development Management Policies 2009.

- 6 Prior to the first operation of the development hereby approved, a scheme for external LED lighting, including methods for the reduction of light pollution, shall be submitted to and approved in writing by the local planning authority. Subsequently, the development shall be carried out and retained in accordance with approved details.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS14, DM3 and DM14 of the Core Strategy and Development Management Policies 2009.

- 7 Prior to the first operation of the development hereby approved full details on a suitably scaled plan of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out and retained as approved. The landscaping details to be submitted shall include:-

- a) means of enclosure;
- b) existing and proposed finished levels and finished floor levels.
- c) planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix;
- d) details for all external hard surface within the site, including roads, drainage detail and car parking areas.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy DM14 of the Core Strategy and Development Management Policies 2009.

- 8 All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the building; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy DM14 of the Core Strategy and Development Management Policies 2009.

- 9 No equipment, machinery or materials shall be brought on to the site for the purposes of development hereby approved until details of substantial protective fencing for the protection of any retained tree(s), has been submitted to and approved in writing by the Local Planning Authority and the fencing has been erected in accordance with approved details. 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 and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy DM14 of the Core Strategy and Development Management Policies 2009.

- 10 The development hereby approved shall not operate other than between 07:30 hours and 18:00 hours Monday – Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: In the interest of amenity and noise protection, in accordance with Policy DM3 of the Development Management Core Strategy 2009.

- 11 No development shall commence until the junction radii improvements, shown on drawing 1707-74 PL01, of the existing vehicular access with the highway have 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, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 12 No development shall take place, including any works of demolition, until a

Construction Management Plan, associated with the development of the site, has been submitted and approved in writing by the Local Planning Authority which will include information on:

- The parking of vehicles
- Loading and unloading of plant and materials used in the development
- Storage of plant and materials used in the development
- The erection and maintenance of security hoarding / scaffolding affecting the highway if required.
- Measures on site to control the deposition of dirt / mud on surrounding roads during the development.
- Footpath/footway/cycleway or road closures needed during the development period
- Traffic management needed during the development period.
- Times, routes and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site) during the development of the site.

The approved Construction Management Plan associated with the development of the site shall be adhered to throughout the development process.

Reason: In the interests of safety, protecting the amenity of local land uses, neighbouring residents and highway safety, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 13 Any gates provided shall open away from the highway and be set back a distance of at least 18 metres from the nearside edge of the carriageway of the adjoining highway.

Reason: To enable HGV's to draw off the highway before the gates are opened, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 14 Prior to the first operation of the development hereby approved, a scheme for internal signage illustrating the appropriate highway routes for HGV vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved signage scheme shall be implemented prior to the first HGV movement associated with the approved development and shall be retained as approved.

Reason: In the interests of highway safety and residential amenity, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

INFORMATIVE NOTES TO APPLICANT

1.
 - The applicant is advised that in order to comply with some 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

- 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.
- 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.
- The applicant is advised that HGV movements to and from the site should utilise the A507 when exiting or seeking to join the M1 or A1.

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.

This page is intentionally left blank

Item No. 9

APPLICATION NUMBER	CB/17/04479/FULL
LOCATION	61 Hitchin Street, Biggleswade, SG18 8BE
PROPOSAL	Change of use of ground floor restaurant (No. 61) and vacant (former) undertaker (No 63) into residential dwellings. 2No. existing first floor apartments to remain as existing. Associated elevational alterations.
PARISH	Biggleswade
WARD	Biggleswade South
WARD COUNCILLORS	Cllrs Lawrence & Woodward
CASE OFFICER	Julia Ward
DATE REGISTERED	27 September 2017
EXPIRY DATE	22 November 2017
APPLICANT	Baystrait Properties Ltd
AGENT	J&JACS Ltd
REASON FOR COMMITTEE TO DETERMINE	Application called in by Councillor Watkins on the basis that the proposal will result in the loss of an eating establishment in a growing town, lack of on-street and off-street parking in the vicinity and loss of privacy for neighbouring dwellings
RECOMMENDED DECISION	Full Application - Recommended for approval

Recommendation:

That Planning permission is GRANTED subject to the following conditions:

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 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building in the interests of the visual amenities of the locality.
(Section 7, NPPF)

- 3 The cycle parking scheme as indicated on the approved drawing no. JJ17-6163F shall be fully implemented before the development is first occupied or

brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

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

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

- 5 Development shall not begin until a scheme for protecting the proposed dwellings from commercial noise sources in the vicinity of the proposed development has been submitted and approved by the local planning authority. None of the dwellings shall be occupied until the approved scheme has been implemented in full accordance with the approved details, and retained in accordance with those details thereafter.

Reason: To ensure a satisfactory level of amenity for future occupiers of the property, in accordance with policy DM3 of the adopted Core Strategy and Development Management Policies (2009) and Section 7 of the NPPF (2012).

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 001/ rev F; 002/ rev B.

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 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 applicant is advised that, under the provisions of the Highways Act 1980, no part of the structure, shall be erected or installed in, under or overhanging the public highway and no window, door or gate shall be fixed so as to open outwards into the highway. The Highway Authority has the

power under Section 143 of the Highways Act 1980, to remove any structure erected on a highway

4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained by this link on the Council website
<http://www.centralbedfordshire.gov.uk/transport/request/dropped-kerb.aspx>
or contact Central Bedfordshire Council Tel: 0300 300 8301
5. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to follow this link on the Council website
<http://www.centralbedfordshire.gov.uk/transport/request/dropped-kerb.aspx>
or contact Central Bedfordshire Council Tel: 0300 300 8301. 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 demolition/construction of the development hereby approved.
6. The contractor and / or client are to ensure that any mud or building material debris such as sand, cement or concrete that is left on the public highway, or any mud arising from construction/demolition vehicular movement, shall be removed immediately and in the case of concrete, cement, mud or mortar not allowed to dry on the highway.

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.

This page is intentionally left blank

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 25 APRIL 2018

Item 6 – CB/17/04476/OUT – Woodlands Nurseries, Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BJ

Additional Consultation/Publicity Responses

The applicant has provided the following statement which provides an update on the applicants latest financial position:-

Unfortunately due to circumstances beyond Chessum Plants control the company has been forced into Administration. Chessum Plants supplied its products via a 3rd party trading company. This Company (Green Moon Plants) supplied £12m of plants to a leading supermarket – this order was cancelled on 24 hours notice. This action forced Green Moon into administration owing Chessum Plants £786k. Furthermore the very poor weather up to the middle of April has led to sales being £500k behind forecast. These two events has unfortunately led Chessum Plants having to review its position and subsequently enter administration.

However there is a clear plan to resurrect this business and take it forward and continue with the project both in the short term and more importantly the long term.

In the immediate term:-

- *Paul Chessum Roses – PCR (the Chessum Family Business) has purchased all of the stock and assets belonging to Chessum Plants.*
- *PCR has already re-employed 21 staff and is looking to add a further 30 staff over the next 4-6 weeks*
- *The plan is for PCR Sales Ltd to trade out the existing container stock at Woodlands*

In the long term:-

- *PCR Sales Ltd are in discussions with Harkness New Roses about the Intellectual Property Rights that Harkness own (i.e. plant variety rights and trademarks). The long term plan is for PCR Sales Ltd to develop the Harkness Brand and sell to the UK Market via traditional Garden Centres and through a direct online channel*
- *PCR Sales Ltd has agreed a strategy with Solai Holdings with regard to the new container facility and the added value plant production unit at Woodlands. These sites are key for the future of the PCR Sales strategy as we need to have an efficient production site to trade from.*

The provision of the new container bed facility is still therefore vital for the long term and will enable the site to compete efficiently in this very competitive market.

Whilst this plan is different to the one we had envisaged, it does provide for a long term production Nursery at the Woodlands site and will provide for up to 100 jobs over the next 5 years.

Additional Comments

The Officer Committee Report does attach weight to the way in which the planning application will help secure the horticultural operation at the site and associated job retention/creation. The above position may therefore have some impact on this. However, the planning application will continue to see significant job creation associated with the commercial element and will see provision of new access arrangements which, as noted in the report are an issue. Officers also note that, despite the applicant's recent difficulties that a strategy has been put in place which requires the provision of new container bed facilities which forms part of the package of proposals in this application. Accordingly, the above position set out by the applicant does not materially impact or alter Officers recommendation.

Additional Consultation/Publicity Responses

Comments are received from Northill Parish Council requesting that the village hall contribution be allocated towards the enhancement of the two church halls in Upper Caldecote and Northill Village Hall.

All the three halls are used regularly by the community, with Caldecote Church Rooms used least frequently simply because of it's poor condition. Northill Village Hall requires contributions towards a new kitchen and front door and the Methodist church hall requires contributions towards external stonework.

Additional Comments

Officers have no objection to the allocation of the village hall contributions in this way.

Additional Consultation/Publicity Responses

As noted in the Officer Committee Report, members will be updated on highways conditions in the late sheet.

Additional Comments

Planning conditions 1-5 noted below require detailed submissions relating to access arrangements, visibility splays and closure of existing accesses. These conditions have been considered by Officers and are considered to be necessary, reasonable and in the interests off highway safety and access.

The Highway Officer recommends that a new footway be provided to the southern side of Biggleswade Road to link between the new commercial access and Upper Caldecote. The applicant has commented that such a condition and the associated

financial implications have not been taken into account in the viability assessment and, in any event, there is an adequate pedestrian footway to the northern side of Biggleswade Road. The applicant proposes the provision of an informal crossing point between the southern part of Biggleswade Road and the existing northern pedestrian footway.

Officers consider that there are different options available to improve pedestrian access between the development site and the village of Upper Caldecote to promote the use of sustainable modes of transport – i.e. walking. Given that there is an existing footway to the northern side of Biggleswade Road a new additional footway may not be necessary and a new crossing point could be provided. There are also opportunities to link the residential element to the public right of way to the south of the site and improve the condition of that right of way. Officers therefore recommend the inclusion of condition 6 below which will enable pedestrian access arrangements to be considered in more detail and in consultation with the Highway Team at a later stage.

Additional/Amended Conditions

1. Development shall not begin until details of the eastern (commercial) junction between the proposed road and the highway has been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.
2. The residential development shall not begin until details of the western (residential) junction between the proposed road and the highway have been approved by the Local Planning Authority and no dwelling shall be occupied until that junction has been constructed in accordance with the approved details.
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.
3. Visibility splays shall be provided at the junction of the eastern (commercial) junction 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 215m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.
Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.
4. Visibility splays shall be provided at the junction of the western (residential) junction 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 splays shall, on land in the applicant's control, be kept free of any obstruction.

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

5. No development shall commence until details of the closure of the existing access to commercial traffic to the site has been submitted to and approved in writing by the Local Planning Authority. The closure for commercial traffic shall be implemented within 3 months of the first use of the new approved access. The development shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority

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

6. Prior to the commencement of any above ground building works, details of pedestrian access between the application site and Upper Caldecote shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a combination or provision of either 1) A new footway (to the southern side of Biggleswade Road between the new access and Upper Caldecote), 2) Provision of an informal crossing point between the application site and the northern pedestrian footway along Biggleswade Road or 3) Improvements/access between the residential element and public right of way no 7.

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

Item 7 – CB/17/04583/OUT – Land adj 129A and 131 Clophill Road, Maulden, Bedford, MK45 2AE

Additional Consultation/Publicity Responses

None.

Additional Comments

Members should note that the proposed 'buffer' to the adjacent SSSI is approximately 22m and is consistent with that recently considered under application ref. 17/CB/00981/OUT (resolution to grant subject to appropriate legal agreement).

It should also be noted that the legal agreement will also secure a contribution of £31,050.00 towards the extension of Maulden Village Hall.

Additional/Amended Conditions

The applicant has agreed to provide 35% affordable housing (9 dwellings). Further to this, the tenure split of 73% affordable rent and 27% intermediate tenure has been secured and is in line with the SHMA.

However, to ensure that the mix and location of affordable dwellings is acceptable, it is recommended that the following condition is imposed:

1. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include the type, size, tenure mix and location on the site of the affordable housing provision to be made.

Reason: To ensure that the affordable housing associated with this development is appropriate, in accordance with Policies CS7 and DM10 of the Core Strategy and Development Management Policies 2009.

Item 8 – CB/17/05480/FULL – Staples Wholesale Nursery, Fordfield Road, Millbrook, Bedford, MK45 2HZ

Additional Consultation/Publicity Responses

One letter has been received from the applicant in response to objections. This is appended to this Late Sheet.

Additional Comments

Business Investment Officers

Wernick is a well-established national business looking to expand its local presence, currently on the Ampthill Business Park. I am aware that their Agents, Kirkby Diamond have looked extensively for other suitable sites, as have we, but without success.

The position remains that unless they can find a site in the area they will relocate their current operation with a loss of employ within CBC. This is a chance to have a viable user on site whilst retaining/ increasing employment with little, if any, disruption to the immediate area.

This would seem to be a suitable site for growing an established business that will be creating several new jobs for the area.

Additional Informative

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.

Item 9 – CB/17/04479/FULL – 61 Hitchin Street, Biggleswade, SG18 8BE

Additional Consultation/Publicity Responses

CBC Business Investment Team - Whilst we can see that the area is mainly residential, from an Economic Development perspective we have some concerns that a successful business would have to close and jobs lost and are mindful as to the precedent this could set.

Item 10 – CB/18/00615/REG3 – Franklin House, Brewers Hill Road, Dunstable, LU6 1UU

The application is recommended for deferral to allow full consultation to be carried out with those members of the public who made representations on the application.

20 April 2018

Mr M Heron
Planning Services
Priory House
Monks Walk
Chicksands
Shefford
Bedfordshire
SG17 5TQ

By Email

Dear Mr Heron

Planning Application Reference CB/17/05480/FULL
Land at Staples Garden Centre, Fordfield Road, Millbrook, Bedfordshire, MK45 2HZ
Proposed Use of Land for Storage, Refurbishment and Hire of Temporary and Portable Buildings

Further to our recent correspondence, we write in relation to the above. Specifically, we write in response to the comments received on behalf of Centre Parcs. Unfortunately, we have only recently been made aware of their submissions and been provided with a copy of their comments. We do not seek to provide a detailed rebuttal of this, but instead focus on the key points raised within their comments.

In addition, we have been able to review the Officer's Report to Committee, which has now been published. From this we note the absence of any technical objections to the application, and welcome the Officer's recommendation that planning permission be granted.

Context of the Representations

Before reviewing the comments that have been submitted on behalf of Centre Parcs, we would first wish to outline the context of their submission. In particular, the Council should be aware that Centre Parcs previously attempted to purchase the Application Site.

A formal offer was presented to the owner in 2014 and we attach a copy of their correspondence. The existing garden centre on the site was already in decline at that time, and the Application Site was on the market with an asking price of £2.5m. It is apparent that the offer of £750,000 by Centre Parcs fell well short of the market value and it was rejected accordingly. The firm tried again to purchase the site when their leisure complex was being developed, and again following its completion.

It is therefore evident that Centre Parcs has long held a commercial desire to purchase the Application Site. Any permission that would allow an alternative occupier on the site would of course end any such opportunity. On the other hand, the refusal of permission and the preclusion of alternative uses might be considered to enhance their position as a prospective purchaser; indeed, it can be seen that their objection letter specifically hints that "the use of the site for a use more compatible with the Centre Parcs village would be more in keeping ...".

While this is not of course a planning matter, it is nevertheless helpful to understand the potential context of their representations.

Accordance with Green Belt Policies

Turning to consider the arguments presented, it is essentially asserted that the proposal is 'inappropriate development' in the Green Belt and that very special circumstances are required to justify the proposal. It is suggested that the relevant policies have been wrongly applied.

Dealing first with whether or not the proposal is 'inappropriate development', our assessment has noted that the relevant policies make specific provision for "limited infilling or the partial or complete redevelopment of previously developed sites ... which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development".

The representations do not contest that the site comprises previously developed land and this is readily apparent. It is also clear that the land accommodates a significant number of existing buildings. They do however suggest that a 'purely volumetric' approach has been taken when comparing the existing and proposed buildings.

We have naturally considered the difference in volume and built development, and this shows that the site currently accommodates some 3,882sqm of existing built footprint (excluding existing hardstanding and car parking etc). By comparison the proposed buildings would result in a footprint of just 1,567sqm; representing a reduction in the order of 60%. This reduction is significant and can only have a positive impact on 'openness'. It is not unsurprising therefore that the representations have sought to deflect from this comparison.

Regardless, this is not the only matter that has been taken into account in considering openness and we would note the following factors, amongst others:

- The proposed development will consolidate buildings within the site, minimising sprawl;
- The position of the proposed buildings maximises the benefits of existing screening;
- The most prominent building (immediately opposite the site's entrance) will be demolished; and
- The proposed storage element is transient.

Accordingly, we have not focused exclusively or purely on a volumetric calculation, but also considered the wider effects of the development and taken account of these matters cumulatively. Even if it is held that the development is 'inappropriate', these factors remain a relevant material consideration when balancing any 'harm' against the benefits that will arise.

A further point that is raised concerns the visibility of the development, suggesting that harm to openness may occur regardless of whether or not development is visible. In principle, this is not contested. However, it remains that the visibility of the development (or otherwise) is still relevant when considering the extent of that harm. On this point, we would refer to an appeal decision concerning a proposal for a change of use of land to provide a cemetery together with the erection of two pavilion buildings, following the demolition of existing agricultural buildings [APP/B5480/W/15/3132860].¹ The case concerned "a large undeveloped plot, well screened by hedges and trees around its boundaries ... " [§208]. When assessing the impact, the Inspector considered various matters including the visibility of development, stating [§217 to §218]:

" ... When openness is reduced, the harm takes place regardless of whether or not it is visible or witnessed. To my mind, however, the extent to which it is visible has some effect on the level of harm. In this case visitors to the site, who could number several hundred every day, would be well aware that it contained development. Due to the screening hedge and other vegetation around the boundary, which would be largely retained, the majority of people beyond that boundary would notice little change from the site as it is now ...

¹ APP/B5480/W/15/3132860 Dated 23 January 2017

... All in all, the openness of the site would be harmed but there are factors ... which temper that harm. My conclusion is, therefore, that the harm to openness would be limited ... "

The decision was referred to the Secretary of State who endorsed the Inspector's conclusions.

Accordingly, the considerable extent of existing screening and the very limited visibility of the proposed development cannot be entirely discounted, as the representations would appear to imply. It is also interesting to note that Centre Parcs adopted this view when seeking permission for their own proposals: at that time, they contended that although their development would cause "some change", "views of it would not be altered" [Appeal Decision APP/J0215/A/06/2024005 §63].

Finally on this point, we would note that a detailed 'Landscape Visual Appraisal' accompanied our application. This set out an assessment of the proposed development and its effect on the character of the landscape. The assessment took account of views from surrounding footpaths, as well as other long distance views. It demonstrated that the redevelopment of the site for another commercial use would be appropriate and not cause significant harm to the site and its localised or wider setting, concluding that:

" ... the site and the receiving environment have the capacity to accommodate sensitively designed redevelopment that will respond to the localised context and will not result in significant harm to the landscape character, visual environment or 'openness' of the Green Belt and it supportable from a landscape and visual perspective ... "

The comments on behalf of Centre Parcs make no reference to the Landscape Visual Appraisal, and the Council's Tree and Landscape Officer has similarly raised no objection to the application.

Very Special Circumstances

Even if it is held that the development is 'inappropriate' in the Green Belt, we consider that very special circumstances exist that nevertheless justify the proposed development having regard to the limited harm caused to openness. These are noted in the Officer's Report to Committee and we would concur with their assessment. In particular, these factors include:

- The continued decline of the existing garden centre means that alternative uses are inevitable;
- The critical need for an existing employer to relocate from their current premises in Ampthill;
- The lack of any alternative site outside the Green Belt to accommodate the proposed development; and
- The significant net increase in employment generation that will arise;

The job creation is particularly significant. The existing garden centre currently employs only four people, whereas the proposed development would generate approximately 30 jobs. The relocation to this site will allow Wernick Hire to grow; as their existing location is limited in size many of their orders are handled by depots elsewhere, whereas the new site would mean that the Millbrook Depot would be able to satisfy all of the requirements within the region. Accordingly, new jobs would be created immediately. These include jobs in sales and managerial roles as well as skilled manual jobs associated with the refurbishment of the buildings. This level of employment on such a modest site is significant, particularly when compared to other 'large format' employment uses such as warehouses.

Officers conclude that in the overall balancing exercise, "very special circumstances exist and that the matters in favour of this scheme clearly outweigh the cumulative harm that arises". We would agree with this conclusion.

We would also note that the grant of permission on the basis of very special circumstances is not dissimilar to the circumstances when planning permission was granted for Centre Parcs. The Secretary of State noted that

the proposed holiday village on what was then open farmland, was "inappropriate" and would result in "very considerable harm" [APP/J0215/A/06/2024005 DCLG 5 September 2007 §10]. Nevertheless, it was considered acceptable given the benefits. This is in effect the same judgement for our proposals; except of course the harm is markedly less, and the benefits are naturally proportionately different.

Other Matters

There are a number of other matters that we would comment briefly on.

In the first instance, the need for the proposal and the availability of alternative locations is questioned. It is however shown in our submissions that there is a pressing need for Wernick Hire to leave their existing premises in Ampthill. Their lease has already expired and they are under increasing pressure to vacate. Their existing site no longer meets their needs and has no capacity to expand. The Council's own Business Investment Officers recognise this in their response, and moreover, that "there are no realistic alternative sites within Employment Areas or in other areas outside of the Green Belt for this particular use". Wernick Hire has been searching for a site in the area for over four years without success.

In addition, Centre Parcs allege that the footfall past the site has increased since the opening of their operations, and that no commercial evidence is provided to support the suggestion that the existing garden centre has become unviable. There is of course no policy requirement to do so, but the local planning authority will be aware that the site has been on the market for many years and there has been no interest in its continued use as a garden centre. Moreover, it is quite apparent that there has been significant competition in the market from nearby garden centres, supermarkets and large DIY stores that increasingly compete in this market. Furthermore, the existing significant screening around the site means that those passing cannot see the garden centre.

The viability or otherwise of the existing business is evident in the accounts of Staples Garden Centre, which show that the turnover has steadily declined in recent years. The turnover in 2014 was £899,639, but this has reduced year on year and was just £509,331 in 2018. Accordingly, there has been a reduction of 43% in the last five years. This is similarly reflected in the profit and loss, which shows that the business has made a loss in three of the last five years. Where a marginal profit has been made, it has been less than 3% of the turnover, and was only the case because the owners did not take any remuneration. These figures demonstrate without question that the existing business cannot be sustained.

Finally, the comments from Centre Parcs refer to the compatibility of the use, suggesting that the proposed use would be a "poor neighbour". They refer specifically to matters of noise; traffic generation; and visual amenity. On these points, we would suggest that any concerns are wholly unfounded and the proposed use is not one that will cause disturbance, or indeed any other impact on their operations. For example:

- Opening hours are limited, and there would be no activity during the evenings or night time;
- Any weekend activity would be extremely infrequent;
- The activities associated with the proposal are not noisy (painting, rewiring of buildings etc);
- The proposal generates few vehicular movements, and unlikely to generate any increase in traffic;
- No parking is needed for HGV's etc, as these are not retained on the site;
- The activities will not be visible from the road, or from within Centre Parcs.

We would also note that the sleeping accommodation within Centre Parcs is also over 85m from the site's boundary, with dense woodland and a substantial landscape bund intervening.

Thus taking account of this and the factors identified above, the proposed development will not result in any harm to amenity and the Council's Environmental Health Officer has confirmed this. Similarly, the Highways

Authority has raised no objection to the development and confirmed that it is acceptable viewed in context with the adjacent facilities. The Public Rights of Way Officer has further confirmed that the proposal will not impact upon the enjoyment of the adjacent right of way. There is therefore, no evidence to support the claims made by Centre Parcs.

In conclusion, any suggestions to that the proposal will result in harm in relation to these matters are wholly unsubstantiated. It should also be noted that the application is for a very specific, Sui Generis use: it is not seeking permission for any generic commercial or industrial activity that might change or intensify over time. The permission will in effect only allow Wernick Hire to occupy the site and any alternative uses would need permission. This ensures that there is continued control over the future of the site.

Conclusion

In conclusion, we remain of the view that the proposed development satisfies relevant planning policies. Whether or not it is concluded that the development is 'appropriate' in the Green Belt, it remains that this proposal relates to previously developed land and that its effect on the character of the landscape will be fundamentally unaltered. The extent of any harm to openness must therefore be considered minimal.

It is also evident that very special circumstances do exist, and in particular the need to retain an established local business that will generate a significant number of employment opportunities. Their existing lease has already expired and if they are unable to find alternative premises immediately, they will be forced to leave the district. These circumstances clearly outweigh any limited harm caused to the openness of the Green Belt. We would therefore agree with the Officer's conclusion that planning permission should be granted for the proposed development.

The motive behind the representations is questionable given their desire to purchase the site, together with their explicit suggestion that a use more compatible with Centre Parcs would be more in keeping. Finally, we would refer to the comments made by Centre Parcs themselves during the appeal for their own proposal, stating that [Appeal Decision APP/J0215/A/06/2024005 §64]:

" ... So whilst it is understandable that some who live near the appeal site would prefer the development to take place somewhere else, their objections should not lead to the scheme being turned away ... "

Their comment is equally relevant to our own proposal.

I trust that the comments above are of assistance, and would be pleased to answer any queries you may have.

Yours sincerely



Chris Green BA (Hons) Dip TP MRTPI
chris.green@kirkbydiamond.co.uk
07730 064233

Encl

cc Mr D Wernick Wernick Hire
Mr H Byrne Forte Developments
Mr E Kennedy Kirkby Diamond