

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

**This meeting  
will be filmed.\***



**Central  
Bedfordshire**

**please ask for** Sophie Sherwood  
**direct line** 0300 300 5649  
**date** 20 December 2019

## **NOTICE OF MEETING**

### **DEVELOPMENT MANAGEMENT COMMITTEE**

Date & Time

**Wednesday, 9 January 2019 10.00 a.m.**

Venue at

**Council Chamber, Priory House, Monks Walk, Shefford**

Richard Carr  
**Chief Executive**

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

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

[Named Substitutes:

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

All other Members of the Council - on request

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

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

**\*This meeting will be filmed by the Council for live and/or subsequent broadcast online and can be viewed at <https://centralbedfordshire.public-i.tv/core/portal/home>.**

**At the start of the meeting the Chairman will confirm if all or part of the meeting will be filmed by the Council. The footage will then be published to the Council's website. A copy of it will also be retained in accordance with the Council's data retention policy. The images and sound recording may be used for training purposes within the Council.**

**By entering the Chamber you are deemed to have consented to being filmed by the Council, including during any representation you might make, and to the possible use of the images and sound recordings made by the Council for webcasting and/or training purposes.**

**Phones and other equipment may also be used to film, audio record, tweet or blog from this meeting by an individual Council member or a member of the public. No part of the meeting room is exempt from public filming unless the meeting resolves to go into exempt session. The use of images or recordings arising from this is not under the Council's control.**

# AGENDA

## Welcome

1. **Apologies for Absence**

To receive apologies for absence and notification of substitute Members.

2. **Chairman's Announcements**

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

3. **Minutes**

To approve as a correct record the minutes of the meeting of the Development Management Committee held on 5 December 2019 **(copy to follow)**.

4. **Members' Interests**

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

## Planning and Related Applications

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

**Item      Subject**

5. **Planning Application No. CB/18/04185/FULL (Arlesey)**

**Address:**      Etonbury Academy, Stotfold Road, Arlesey, SG15 6XS

Two storey detached school building with associated car/cycle parking, external works, landscaping and external play areas.

**Applicant:**    Dr A Lee

6. **Planning Application No. CB/18/02867/VOC (Sandy)**

**Address:** Land South of Barford Road, Blunham, MK44 3NE

Variation of Condition 4: App CB/16/04369/OUT, dated 13/04/2017  
Amendment to remove the occupational restriction. Condition 4 to require the provision of bungalows only.

**Applicant:** Abbey Developments Ltd

7. **Planning Application No. CB/18/03395/FULL (Houghton Conquest & Haynes)**

**Address:** Land at Chapel End Road, Houghton Conquest, MK45 3LL

Erection of 37 dwellings and associated development

**Applicant:** Kier Living

**(Note: The map for this item is to follow).**

8. **Planning Application No. CB/17/04133/FULL (Aspley & Woburn)**

**Address:** Fulbrook Middle School, Weathercock Lane, Aspley Guise,  
Milton Keynes, MK17 8NP

The construction of a synthetic turf pitch with associated floodlighting, fencing and ancillary features.

**Applicant:** Fulbrook Middle School

**(Note: The map for this item is to follow).**

9. **Planning Application No. CB/18/03205/FULL (Caddington)**

**Address:** Land adjacent to Ashridge, Pepsal End Road, Pepperstock,  
Luton, LU1 4LJ

Erection of a production facility (with use classes B1(a) and B1(c) light industry appropriate in a residential area) with associated office, on-site parking and an access road off Pepsal End Road.

**Applicant:** Mr/Mrs Harper

**(Note: The map for this item is to follow).**

10. **Planning Application No. CB/18/01795/FULL (Toddington)**

**Address:** Chapel Farm, Luton Road, Chalton, Luton, LU4 9UJ

Proposed energy storage facility to provide energy balancing services to the National Grid.

**Applicant:** Harmony Energy Storage

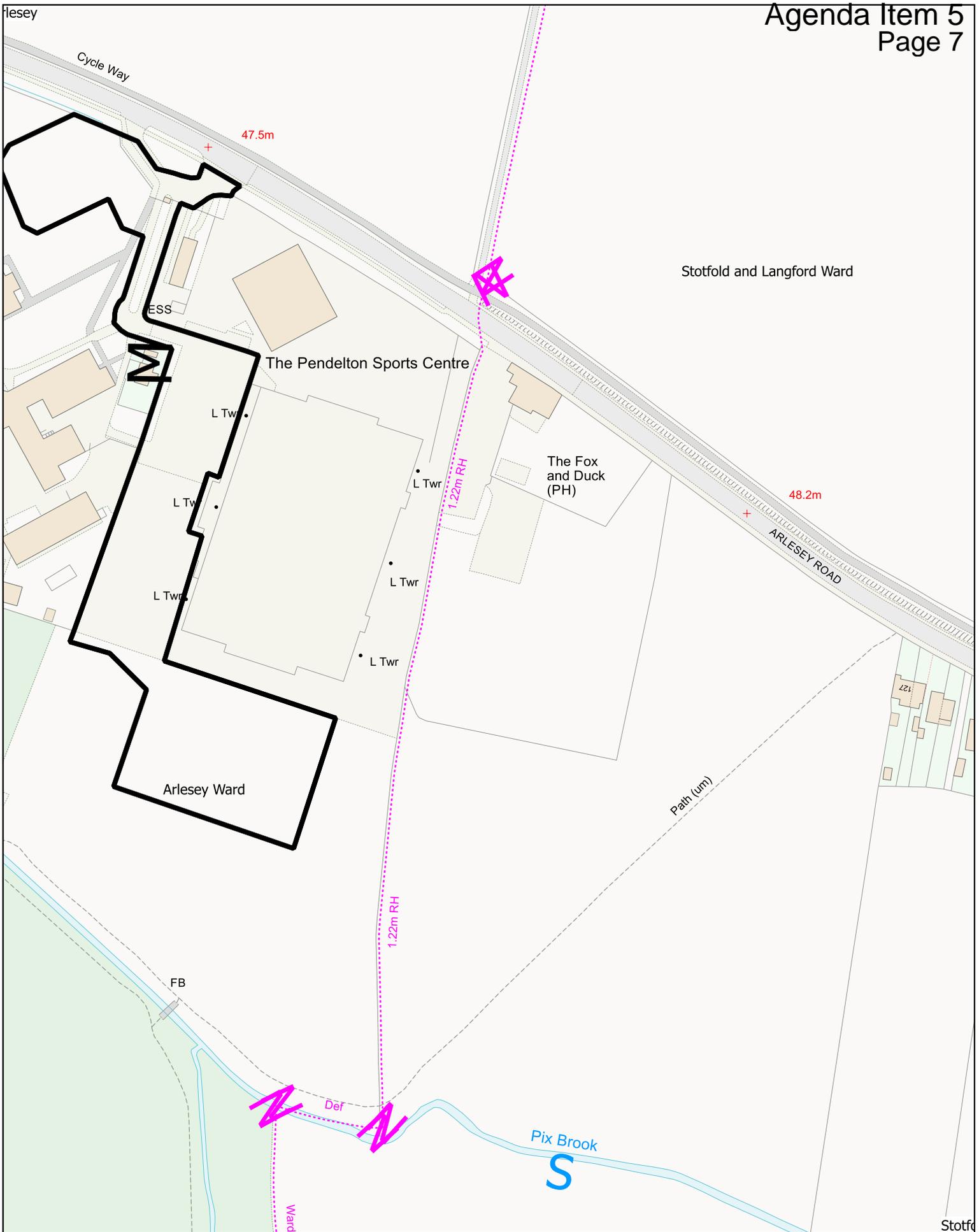
11. **Late Sheet**

To receive and note, prior to considering the planning applications contained in the schedules above, any additional information detailed in the Late Sheet to be circulated on **8 January 2019**.

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

Under the provisions of the Members Planning Code of Good Practice, Members are requested to note that the next Development Management Committee will be held on **6 February 2019** and the Site Inspections will be undertaken on **4 February 2019**.

This page is intentionally left blank



1:2,000

Date Created  
19-12-2018

Application No.  
CB/18/04185/FULL

Etonbury Academy Stotfold Road  
Arlesey SG15 6XS

Crown Copyright and database  
right. 2018  
Ordnance Survey 100049029  
Central Bedfordshire Council.

Cities Revealed Aerial  
photography copyright  
The GeoInformation Group 2017



This page is intentionally left blank

<b>Item No. 5</b>
-------------------

<b>APPLICATION NUMBER</b>	<b>CB/18/04185/FULL</b>
<b>LOCATION</b>	<b>Etonbury Academy, Stotfold Road, Arlesey, SG15 6XS</b>
<b>PROPOSAL</b>	<b>Two storey detached school building with associated car/cycle parking, external works, landscaping and external play areas</b>
<b>PARISH</b>	<b>Arlesey</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Shelvey &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Benjamin Tracy</b>
<b>DATE REGISTERED</b>	<b>12 November 2018</b>
<b>EXPIRY DATE</b>	<b>07 January 2019</b>
<b>APPLICANT</b>	<b>Dr A Lee</b>
<b>AGENT</b>	<b>DT Architects</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The Council own the freehold of the site, and objections have been received.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

**Recommendation:**

The principle of providing additional school places at an existing education facility accords with Policy CS3 of the Core Strategy and Development Management Policies (2009) and Policy HQ3 of the Submission Central Bedfordshire Local Plan (2018). In addition, Paragraph 94 of the National Planning Policy Framework, outlines the importance of ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. Great weight is given to the need to create, expand or alter schools to meet this need.

For the reasons outlined within this report, the development is considered to be sustainable and no degree of harm has been identified that would outweigh the needs to ensuring that sufficient choice of school places are available to meet the needs of existing and new communities. The application is recommended for approval subject to conditions.

**Site Location:**

The site consists of land within the Grounds of Etonbury Academy and agricultural land to the south of Stotfold Road, Arlesey.

**The Application:**

The application seeks planning permission for the construction of a two storey detached school building with associated car/cycle parking, external works,

landscaping and external play areas at Etonbury Academy.

The application would affect the car parking area which currently lies adjacent to the artificial pitch, but a new larger car park will be constructed in the north-east section of the existing playing field, as well as additional car parking at the frontage of the school building.

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF) (July 2018)**

**Core Strategy and Development Management Policies - North 2009**

- CS3 - Healthy and Sustainable Communities
- CS14 - High Quality Development
- CS16: Landscape & Woodland
- CS18: Biodiversity
- DM3 - High Quality Development
- DM4 - Development Within and Beyond Settlement Envelopes
- DM14 - Landscape and Woodland
- DM15 – Biodiversity

**Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:  
SP7, HQ1, HQ3, EE2, EE4, EE5, CC5, CC8, DC5, T2 and T3

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

**Relevant Planning History:**

Case Reference	CB/17/04303/FULL
Location	Etonbury Academy, Stotfold Road, Arlesey, SG15 6XS

Proposal	Erection of a new single storey building to provide nursery facilities. Additional 8 car parking spaces and new outdoor play area for nursery children.
Decision	Full Application - Granted
Decision Date	01/03/2018

**Consultees:**

- Arlesey Parish Council      No representation received.
- Archaeology                      The Council's Archaeologist has raised no objection to the application subject to a condition that would ensure the development would only be implemented in full accordance with the archaeological scheme of works as described in Albion Archaeology document 2018/166, version 1.1, dated 12<sup>th</sup> December 2018; to ensure that the developer records and advances of understanding of the significance of any heritage assets affected by development before they are lost (wholly or in part) and makes the results of the archaeological work (and any archive generated) publicly available.
- Lead Flood Authority              The Lead Flood Authority has raised no objection to the proposed development subject to a conditions for the submission of surface water drainage details and maintenance have been submitted to and approved in writing by the local planning authority prior to the first occupation of the development and are implemented.
- Pollution                              The Council's Pollution Team have raised no objection to the application subject to a condition that would ensure that any contamination identified during the development phase is effectively remediated.
- Sustainable Transport              The Council's Sustainable Transport Team has raised no objection to the application subject to a condition requiring the submission of a travel plan.
- Highways                              The Highway Authority have raised no objection to the application subject to the imposition of conditions.
- Trees and Landscaping              The Council's Trees and Landscape Officer has raised no objection subject to conditions relating to detailed landscaping and maintenance.
- Strategic Landscaping              The Council's Strategy Landscape Officer has raised concerns in relation to the landscaping treatment between the car parking and school playing field and entrance to the school. However has suggested landscaping conditions if the Officer is minded to

recommend approval.

Ecology	The Council's Ecologist has raised no objection to the amended scheme subject to conditions relating to detailed landscaping and maintenance.
Leisure	Leisure have made no objection to the application.
Sport England	Sport England have raised no objection to the application subject to a condition that would ensure the new playing fields are constructed to meet Sport England/FA standards.
Internal Drainage Board	The Bedfordshire and River Ivel Internal Drainage Board have raised no objection to the proposal subject to surface water discharge from the proposed is to be attenuated and restricted to 3 litres per second per developed hectare.

**Other Representations:**

Neighbours	<p>3 neighbour representations have been received raising the following comments and objections:</p> <ul style="list-style-type: none"><li>• site layout plan different in the design and access statement;</li><li>• The Community Orchard is a valuable addition to biodiversity and the Etonbury Wood green spaces, and it is hoped that careful attention will be given to landscaping the boundary with the new sports fields, including the proposed native hedging.</li><li>• the site was previously designated for wild flower planting, as ecological mitigation for extensions to the school and sports centre. This will now be lost. It is recommended for wild flower planting around the wood and orchard to offset the loss.</li><li>• There is an opportunity to incorporate a green-roof in the new building design, which would have multiple benefits.</li><li>• only four sinks for 120 kids to wash their hands before dinner.</li><li>• only one toilet for 60 boys, only three for 60 girls;</li><li>• toilets are not private.</li><li>• mullions on the curtain walling to the west and east elevation cross through the fire compartment;</li><li>• cloak rooms too small, no room in the upper classrooms for cupboards or shelving;</li><li>• the low sill windows in first floor class rooms to the south elevation prevent cupboards along this wall and creates a modesty issue;</li><li>• Mullions to the upper class room windows are unlikely to carry a barrier load;</li></ul>
------------	---

- hot food is being brought in from Etonbury middle school kitchen. Not enough room in the dining hall to distribute the food;
- ground floor classrooms do not have enough windows for cooling, the plant room is too small for air conditioning and no plant is shown on the roof. The roof parapet is too low to conceal plant.
- I think it should receive planning permission;
- the layout needs fundamentally changing to make work for the kids and teachers using it. It needs to be allowed to be slightly higher and slightly larger on plan to make the internal layout work; and
- possibly verging on an objection, due to increased traffic on the main road, but this is more an issue for the planning for the pix brook site across the road.

### **Determining Issues:**

The main considerations of the application are;

1. Principle
2. Playing Fields
3. Internal design
4. Highway considerations
5. Surface water drainage
6. Impact upon the Character and Appearance of the Area and the Landscape
7. Biodiversity
8. Other Considerations

### **Considerations**

#### **1. Principle**

- 1.1 The site is located beyond settlement envelopes as defined by adopted the Proposal Maps 2011 and the submission Policy Maps (2018), whereby the site is considered to be within the countryside for the purposes of the Core Strategy and Development Management Policies (2009) (CSDMP) and the Submission Central Bedfordshire Local Plan (2018) (SCBLP).
- 1.2 Policy DM4 of the Core Strategy and Development Management Policies (2009) and Policy SP7 of the Submission Central Bedfordshire Local Plan state, within settlement envelopes, the Council will support schemes for education uses where a need for such facilities exists. Where no land is available within the settlement, a site adjacent to the settlement may be granted planning permission. It is considered that the site is not located within or adjacent to the settlement envelope of Stotfold or Arlesey, whereby the expansion of the school would not be supported by those policies.
- 1.3 However Policy CS3 of the CSDMP makes a commitment from the Council to ensure that appropriate infrastructure is provided for existing and growing communities (with respect to education) by supporting, in principle, the

upgrading of education facilities and identifying appropriate sites for new facilities to meet identified needs and shortfalls in accessible locations that are well served by sustainable modes of transport.

- 1.4 Policy HQ3 of the SCBLP states "the Council will support the principle of applications for the expansion or enhancement or the provision of new social and community infrastructure".
- 1.5 In accordance with Paragraph 94 of the National Planning Policy Framework, it is considered important that sufficient choice of school places is available to meet the needs of existing and new communities. As such great weight is given to the need to create, expand or alter schools to meet this need.
- 1.6 For the reasons outlined above it is considered that the principle of the creation of additional school capacity within this location is acceptable subject to other material considerations.
- 1.7 The details of the proposals shall now be assessed.

## **2. Playing Fields**

- 2.1 It is advised to note the requirements of Paragraph 97 of the National Planning Policy Framework which states:
- 2.2 *"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
  - *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
  - *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
  - *the development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current or former use".*
- 2.3 The proposed development includes the construction of a car park on an area of the existing school playing field at Etonbury (circa 0.2 hectares), however the proposal also includes the creation of a new school playing field (circa 0.4 hectares) south of the artificial pitch, whereby it is considered that the proposal includes the replacement of this loss with a equivalent or better provision in terms of quantity, in accordance with Paragraph 97 of the NPPF.
- 2.4 Sport England have raised no objection to the application within this context subject to the imposition of a condition that would ensure the new playing fields are constructed to meet Sport England/FA standards.
- 2.5 For the reasons outlined above, subject to conditions it is considered that the proposed development would be acceptable within this context.

## **3. Internal Design**

- 3.1 A number of concerns have been raised in relation to the internal space of the proposed building and its intended use. Central Bedfordshire Council does not have set guidance for the internal dimensions or the internal design of new schools or school buildings, however the Department for Education (DfE) have

published the document titled "Area guidelines for mainstream schools - Building Bulletin 103" which is a non-statutory guidance document aimed to assist those involved in creating a design brief for a new school buildings as well as the Schedule of Accommodation (SoA) tool.

- 3.2 Concern has been raised in relation to the dimensions of the proposed classrooms and storage. However all classrooms proposed exceed the 55m<sup>2</sup> guidance within the Department for Education's "Area guidelines for mainstream schools - Building Bulletin 103", for secondary school general classrooms. Thereby the proposed classrooms are considered to be suitable for teaching for either subject specific teaching for subjects such as Mathematics, English, Humanities or Modern Foreign Languages, but are also considered to be suitable to be used for a year group learning a range of subjects. In addition it is considered that the classrooms would be served by an acceptable degree of light.
- 3.3 Furthermore; DfE Guidance stipulates that storage for general teaching should be at least 5m<sup>2</sup> for every general teaching department for books and materials for general teaching subjects (preferably accessed from a circulation area or shared staff workroom). The proposal includes a 7.5 metre store room accessed from a circulation area, which is considered to exceed this standard.
- 3.4 Concern has been raised in relation to the accessibility of toilets and personal care facilities. It is considered in accordance with DfE Guidance that 120 pupils and staff would require six toilets as well as a separate toilet for staff and accessible toilets for pupils staff or visitors (which may also count towards the number of staff toilets). The proposal includes adequate provision of toilets and personal care facilities.
- 3.5 Furthermore it is considered that the proposed development would meet DfE guidance for circulation space, non-teaching storage and staff administration.
- 3.6 Concern has been raised in relation to the size of the Dining/ Multi-Purpose Hall, the committee are advised that this room is considered to be of a scale to allow 45 pupils to eat indoors at one particular time, as calculated in accordance with the DfE guidance, the school also benefits from an existing canteen and kitchen. This number does not include queuing for food or food distribution space.
- 3.7 The Committee are advised that there is no set per pupil guidance for Dining areas/ canteens but these should be scaled to anticipated demand and the operation of the school and queuing of students for food should be considered. There are a number of ways the operation of a school can allow for pupil dining in constrained facilities such as split lunchtime or allowing access to other areas for pupils to eat, however this is subject to the schools operational policy and it is advised that this would not form a reason to refuse planning permission.
- 3.8 For the reasons outlined above it is considered that the proposed school building would feature internal room dimensions that are acceptable for the anticipated use.

#### **4. Highway Considerations**

- 4.1 It is considered that the proposed development would not result in a severe

impact upon the highway network, in relation to congestion or capacity. It is also considered that the proposed access and internal roads are acceptable in the context of highway and pedestrian safety.

- 4.2 It is also considered that the proposed development would be served by an acceptable provision of car parking spaces that accord with the Council's Car Parking Standards.
- 4.3 The Council's sustainable transport officer has requested a condition to be imposed to update the School Travel Plan to promote sustainable modes of transport. It is considered that this condition would reduce the reliance on the car and if implemented would deliver a reduced impact on the capacity of the road network.
- 4.4 The Highway Authority have raised no objection to the proposed development subject to detailed drainage design, a restriction on swing of gates and posts at the access and a condition securing the proposed car parking.
- 4.5 For the reasons outlined above, it is considered that subject to conditions, that the proposed development would be acceptable within a highway context.

## **5. Surface Water Drainage**

- 5.1 The Lead Flood Authority, have raised no objection to the application subject to the imposition of conditions that would ensure that surface water would be sustainably drained and would not result in an increased flood risk both on and off site.
- 5.2 Therefore subject to conditions it is considered that subject to conditions, the proposed development would be acceptable within this context.

## **6. Impact upon the Character and Appearance of the Area and the Landscape**

- 6.1 The proposed building would be of two storeys and would appear complimentary to the existing architectural style and appearance of buildings within the existing school grounds. The proposed materials and external appearance of the building is considered to be acceptable within this context.
- 6.2 However the proposed development including the playing fields would result in the incursion of built development within the open countryside which needs to be sensitively integrated into this rural context. The site is located within the Upper Ivel Landscape character area, where the landscape strategy is to create and enhance traditional features such as hedgerows, wet woodlands and to ensure effective landscaping to integrate new urban features. It is considered that subject to acceptable soft landscaping detail including details of any bunds proposed, that the proposed development would be acceptably integrated into the wider landscape and would not cause an unacceptable landscape visual impact or cause harm to the character and appearance of the area, including the intrinsic character and beauty of the countryside.
- 6.3 Concern has been raised in relation to the impact of the proposed car parking to the front of the site and its visual relationship to the school playing field in the context of the visual amenities of the locality, however it is considered that subject to conditions that would ensure an acceptable landscaping scheme to

soften visual impacts of the development from public viewpoints that the development would be acceptable within this context.

- 6.4 For the reasons outlined above it is considered that subject to conditions, the proposed development would not cause harm to the character and appearance of the area, including the intrinsic character and beauty of the Countryside, in accordance with Policies DM3, DM14 and CS16 of the Core Strategy and Development Management Policies (2009) and Policies EE4 and EE5 of the Submission Central Bedfordshire Local Plan (2018).

## **7. Biodiversity**

- 7.1 The limited natural capital and ecosystem services of the site are acknowledged, however it is considered that the proposed landscaping scheme to include wild flower planting would provide a net gain for biodiversity. Subject to conditions to ensure the landscaping scheme is implemented and maintained, it is considered that the proposed development would be acceptable within this context.

## **8. Other Considerations**

### **8.1 Access to the Community Orchard**

- 8.2 The proposed development would allow gated access to the existing community orchard, the orchard would also retain its access from the existing footpath network to the south. It is considered that the proposed development would not negatively impact upon this community and environmental asset.

### **8.3 Archaeology**

- 8.4 The Council's Archaeologist has raised no objection to the application subject to conditions that would ensure any heritage with archaeological interest would be investigated and recorded. Therefore it is considered that subject to conditions that the proposed development would be acceptable in the context of heritage assets with archaeological interest.

### **8.5 Contamination**

- 8.6 The Council's pollution team have suggested the imposition of a condition to ensure any contamination identified during the development phase is effectively remediated. Subject to conditions it is considered that the proposed development is acceptable within this context.

### **8.7 Impact upon the amenity and living conditions of neighbouring dwellings**

Due to the separation between the site and neighbouring dwellings, it is considered that the proposed development would not have a harmful impact upon the amenity or living conditions of the occupiers of any neighbouring dwelling.

### **8.8 Third party representations**

- 8.9 Concerns have been raised in relation to the appearance of external plant, which are not proposed as part of this application and would require separate planning permission and as such it is considered that this would not form a

reason to refuse planning permission.

- 8.10 Concern has been raised in relation to ventilation and overheating of rooms, which is not considered to form a material consideration in the determination of this planning application.
- 8.11 Concern has been raised in relation to the feasibility or cost effectiveness of the proposed construction, which is not considered to form a material consideration in the determination of this planning application.

**Human Rights and Equality Act issues:**

- 8.12 Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.
- 8.13

**Recommendation:**

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

**RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.
- Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The building hereby approved shall be externally finished in the materials described on drawing number AP0101 Revision P01, unless otherwise approved in writing by the Local Planning Authority.
- Reason: To control the appearance of the building in the interests of the visual amenities of the locality.
- 3 No works above slab level relating to the construction of the building hereby approved shall take place until details of hard and soft landscaping (to include wild flower planting and cross sections of any bund) together with a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.
- Reason: To ensure a net gain for biodiversity, acceptable mitigation for landscape visual impacts of the development and to ensure that the appearance of the development would be of a high quality, safeguarding the character and appearance of the area, including the intrinsic character and beauty of the countryside, in accordance with Policies CS16, DM3, DM14 and DM15 of the Core Strategy and Development Management Policies

2009 and Policies HQ1, EE2, EE4 and EE5 of the Submission Central Bedfordshire Local Plan (2018) as well as the NPPF.

- 4 The building hereby permitted shall not be first brought into use until a Landscape Maintenance and Management Plan for all hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the persons or body that will be responsible for delivering the approved landscape maintenance and management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery.

Reason: To ensure a net gain for biodiversity, acceptable mitigation for landscape visual impacts of the development and to ensure that the appearance of the development would be of a high quality, safeguarding the character and appearance of the area, including the intrinsic character and beauty of the countryside, in accordance with Policies CS16, DM3, DM14 and DM15 of the Core Strategy and Development Management Policies 2009 and Policies HQ1, EE2, EE4 and EE5 of the Submission Central Bedfordshire Local Plan (2018) as well as the NPPF.

- 5 The development hereby approved (including the building and car parking areas) shall not be first brought into use until a detailed surface water drainage scheme, to manage surface water run off from the development for up to and including the 1 in 100 year event (+40%CC) for the scheme has been submitted to and approved in writing by the Local Planning Authority. The discharge rate from the development will be limited to the equivalent 1 in 1 year rate, or an appropriate rate as agreed by the Bedford Group of Internal Drainage Boards or sewage undertaker. The final detailed design shall be based on the agreed drainage Strategy (1.10 and 1.15 of the D&A statement issue P01 dated 08/11/18) and DEFRA's Non-statutory technical standards for sustainable drainage systems (March, 2018), and shall be implemented as approved. Any variation to the connections and controls indicated on the approved drawing which may be necessary at the time of construction would require the resubmission of those details to the Local Planning Authority for approval.

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.

- 6 The building hereby approved shall not be first brought into use until a Maintenance and Management Plan for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, has been submitted and approved in writing by the Local Planning Authority. Details shall include written confirmation that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details shall be provided. Thereafter the surface water drainage system shall be managed in accordance with the approved details for its lifetime, unless any other variation is agreed in writing.

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.

- 7 The development hereby approved shall only be implemented in full accordance with the archaeological scheme of works as described in Albion Archaeology document 2018/166, version 1.1, dated 12th December 2018.

Reason: In accordance with paragraph 199 of the NPPF to ensure that the developer records and advances the understanding of the significance of any heritage assets affected by development before they are lost (wholly or in part) and makes the results of the archaeological work (and any archive generated) publicly available.

- 8 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 should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reasons: To ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

- 9 The building hereby approved shall not be first brought into use until an updated School Travel Plan, has been submitted to and approved in writing by the local planning authority. All measures within the approved travel plan shall be undertaken in full accordance with the approved plan or any update to the plan which has been formally approved by the Highway Authority thereafter.

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

- 10 No development on the proposed new playing fields shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
- A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
  - where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation. Thereafter the approved scheme shall be carried out in full and in

accordance with the approved programme of implementation [or other specified time frame - e.g. before first occupation of the educational establishment]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

- 11 Any gates and gate posts at the access for the replacement parking shall be located shall be located so as not to cause obstruction when open, to vehicles entering/ existing the access.

Reason: For the avoidance of doubt and for a usable access.

- 12 The car parking approved as part of this development shall be completed and made available for use prior to the first use of the building hereby permitted.

Reason: To ensure the provision of off-street car parking and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: AP0201 Rev P03; AP0202 Rev P03; and AP0101 Rev P01.

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

## **INFORMATIVE NOTES TO APPLICANT**

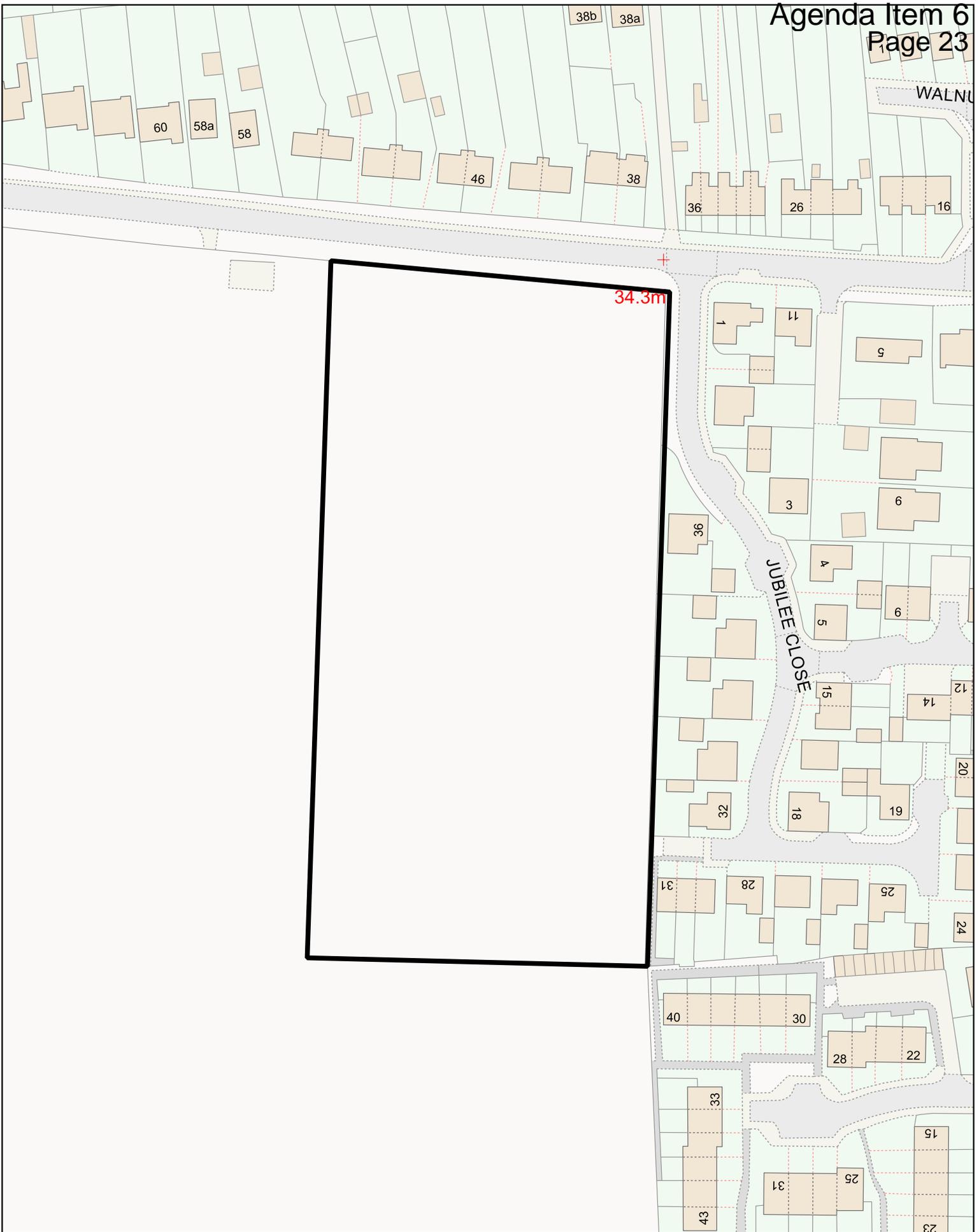
1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

.....  
.....



1:1,250

Date Created  
19-12-2018

Application No.  
CB/18/02867/VOC

Land South of Barford Road,  
Blunham, MK44 3NE

Crown Copyright and database  
right. 2018  
Ordnance Survey 100049029  
Central Bedfordshire Council.

Cities Revealed Aerial  
photography copyright  
The GeoInformation Group 2017



This page is intentionally left blank

**Item No. 6**

<b>APPLICATION NUMBER</b>	<b>CB/18/02867/VOC</b>
<b>LOCATION</b>	<b>Land South of Barford Road Blunham MK44 3NE</b>
<b>PROPOSAL</b>	<b>Variation of Condition 4 of planning permission reference CB/16/04369/OUT Dated 13/04/2017 - Amendment to remove the occupational restriction. Condition 4 to require the provision of bungalows only.</b>
<b>PARISH</b>	<b>Blunham</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Maudlin, Smith &amp; Stock</b>
<b>CASE OFFICER</b>	<b>Benjamin Tracy</b>
<b>DATE REGISTERED</b>	<b>17 July 2018</b>
<b>EXPIRY DATE</b>	<b>16 October 2018</b>
<b>APPLICANT</b>	<b>Abbey Developments Ltd</b>
<b>AGENT</b>	<b>Les West Planning</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major Application - Blunham Parish Council Objection.</b>
<b>RECOMMENDED DECISION</b>	<b>Recommended for Approval</b>

**Summary of Recommendation:**

The proposed Variation to Condition 4 of planning permission reference CB/16/04369/OUT would retain the requirement for the provision of three bungalows whilst removing the current restriction to the occupation of those bungalows to persons aged 55 or older; or a widow or widower of such a person or persons, or any resident dependant or dependant's of such a person or persons, or a resident carer of such a person or persons.

Since planning permission was granted under CB/16/04369/OUT dated 11/12/2016 the Council's position in relation to the provision of dwellings designed to meet the needs of older people as they progress through their life changes, as well as dwellings to meet the needs of those with moderate and sever physical disabilities has been outlined with the Submission Central Bedfordshire Local Plan 2018, as informed by the Strategic Housing Market Assessment (2017). This need includes the provision of bungalows, however there is no existing policy requiring the occupancy of such dwellings to be restricted through conditions and the Submission Local Plan Policy seeks to provide a more mixed open market and affordable housing stock in respect of dwelling type.

It is considered that a benefit of this variation is that it would allow access to this accommodation by persons who may require single level living due to physical disability, who may have been prevented from doing so by this condition.

It is recommended; that the development including this variation would provide a positive contribution towards the identified housing needs which includes the

provision of bungalows within Central Bedfordshire. It is considered that the benefits of development as outlined under CB/16/04369/OUT and subject to this variation would still outweigh the harm identified.

For the reasons outlined within this report, the development is considered to be sustainable.

**Site Location:**

The site formerly consisted of arable farmland to the South of Barford Road, Blunham. The site is located wholly beyond the settlement envelope of Blunham.

To the east of the site, adjoining the boundary of the site are Nos. 31 - 36 Jubilee Close, in addition Nos. 1 - 3 Jubilee Close directly overlook the site although separated by the Highway known as Jubilee Close. To the north of the site, separated by the highway known as Blunham Road are the neighbouring dwellings known as Nos. 36 - 56 Blunham Road.

To the southeast of the site are bungalows upon The Avenue with No. 40 being within close proximity to the southwestern corner of the site.

To the south and west of the site is land which benefits from the approval of planning permission under reference CB/16/04323/OUT for the construction of 77 dwellings, which are currently under construction.

Further to the South of the site is a cemetery with mature landscaping.

**The Application:**

The site benefits from an extant Outline planning permission for 44 dwellings, all matters accept access under reference CB/16/04369/OUT and approval of reserved matters under reference CB/17/04733/RM. The site is currently under construction.

This application forms an application under section 73 the Town and Country Planning Act 1990 (as amended) for variation of condition 4 of planning permission CB/16/04369/OUT which requires the provision of three bungalows and the restriction of their occupation to persons:

- a) aged 55 or older; or
- b) a widow or widower of such a person or persons, or
- c) any resident dependant or dependant's of such a person or persons, or
- d) a resident carer of such a person or persons.

The amendments seek to remove the restriction of occupation.

When determining such an application the Local Planning Authority shall consider only the question of the conditions subject to which permission should be granted, and

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF)**

**Core Strategy and Development Management Policies - North 2009**

- CS1 Development Strategy
- CS5 Providing Homes
- CS7 Affordable Housing
- CS14 High Quality Development
- CS16 Landscape and Woodland
- DM3 High Quality Development
- DM4 Development Within and Beyond the Settlement Envelopes
- DM10 Housing Mix
- DM14 Landscape and Woodland
- DM15 Biodiversity

**Central Bedfordshire Local Plan - Submission**

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

**Relevant Planning History:**

<b>Case Reference</b>	<b>CB/17/04733/RM</b>
Location	Land South of Barford Road Blunham, Bedford MK44 3NE
Proposal	Reserved Matters: following planning application CB/16/04369/OUT to seek approval for appearance, landscaping, layout and scale.
Decision	Reserved Matters- Granted
Decision Date	13/02/2018

<b>Case Reference</b>	<b>CB/16/04369/OUT</b>
Location	Land South of Barford Road Blunham, Bedford MK44 3NE
Proposal	Outline Application: Residential development for up to 44 dwellings including specific accommodation for over 55's and open space, with all matters reserved except for access
Decision	Outline - Granted
Decision Date	13/04/2017

**Consultees:**

Blunham Parish Council      Blunham Parish Council have issued the following consultation response:

Blunham Parish Council objects to this planning application. There is a proven need for this type of housing for older people in Blunham. This need has been identified in repeated Housing Needs Surveys over the years. We urge Central Beds Council to refuse permission to vary this condition.

MANOP      MANOP have issued the following consultation response:

The scheme permitted under CB/16/04369/OUT is described as “Residential development for up to 44 dwellings including specific accommodation for over 55's and open space, with all matters reserved except for access” and the proposed accommodation for over-55's consists of three bungalows of the total of 44 dwellings for which consent was sought. Condition 4 reasonably seeks to limit occupancy of those bungalows to people over 55 but the applicant wishes to see the condition largely removed.

I see no attempt to challenge the need for accommodation suitable for older people and I would add that, based on evidenced need, if a similar application was submitted now the expectation would be that a larger proportion of the dwellings would be suitable for older people.

In our view any condition needs to strike a reasonable balance between achieving the intent of the issued permission and the placing of undue burdens on the applicant and occupants of the dwellings in question. There is also the issue of the enforceability of a condition of this type, especially in the longer term.

Our view is that a reasonable balance would be achieved by a revised condition (or conditions) which require:

1. That the dwellings are marketed as being reserved for people over 55
2. That the initial ownership and/or occupancy of the dwellings is by at least one person over 55

3. That any change of ownership and/or occupancy of the dwellings in the five years following initial occupation is to at least one person over 55 years.

#### Strategic Housing

The Council's Strategic Housing Team have issued the following consultation response:

Variation of condition 4 to remove reference to the restriction to occupation of the three bungalows to those aged over 55. Bungalows in question are open market, on the basis of no link to affordable housing, there is no objection to the variation of condition 4 to remove reference to restriction to occupation to over 55's.

#### Other Representations:

##### Neighbours

Six representations have been received raising the following comments:

- noise concerns in relation to the amenity of occupiers of properties on the Avenue due to the removal of the occupation restriction;
- this housing type is desperately needed and the clause should be retained; and
- the provision of policy compliant affordable housing and the provision of three over 55s bungalows should be retained and the developers wish to replace the planned housing with more profitable detached homes should not be granted.

#### Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. Neighbouring Amenity
4. Biodiversity
5. Highway Considerations
6. Other Considerations

#### Considerations

##### 1. Principle

- 1.1 Section 73 of the Town and Country Planning Act provides for applications for planning permission to develop land or change the use of land or a building without complying with conditions previously imposed on a planning permission. In determining such an application under section 73, the decision maker should take into account any changes in circumstances since the parent permission was issued. In this case, the most significant changes have been the Council's Submission of a Local Plan for examination, with its up to date evidence base as well as the publication of the revised National Planning Policy Framework.

- 1.2 Advice within the National Planning Practice Guidance states that the original planning permission will continue to exist whatever the outcome of the application under section 73 and, to assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In granting permission under section 73 the Local Planning Authority may also impose new conditions - provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. In deciding an application under section 73, the Local Planning Authority must only consider the disputed condition/s that are the subject of the application - it is not a complete re-consideration of the application, (paragraph 031). The Local Planning Authority can grant permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue.

- 1.3 Having regard to the established principle of built development, consideration of the application therefore turns to examine whether the Council considers that the condition is necessary to make the development on balance acceptable in the context of the development plan and material considerations.

- 1.4 The Condition as currently worded required the restriction of three bungalows to be occupied by persons:

- a) aged 55 or older; or
- b) a widow or widower of such a person or persons, or
- c) any resident dependant or dependant's of such a person or persons, or
- d) a resident carer of such a person or persons.

## **2. Housing need**

- 2.1 Since the determination of the Outline Planning Application under reference CB/16/04369/OUT the Council has submitted the Central Bedfordshire Local Plan (2018) for examination and the Revised NPPF has been published.
- 2.2 The Council's current adopted development plan policies make no requirement for the provision of over 55s accommodation with occupational restrictions. Therefore it is considered that the adopted Development Plan is silent in this respect. However the provision of bungalow accommodation for persons aged over 55 was considered as a benefit of development which weighed in the schemes favour when the original application was determined.
- 2.3 The Revised NPPF outlines the Governments objective of significantly boosting the supply of homes and that it is important that the needs of groups with specific housing requirements are addressed. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).
- 2.4 The Council's approach in the Submission Local Plan, which is informed by the Strategic Housing Market Assessment (2017), is to seek a proportion of dwellings to be designed to meet the needs of older people as they progress through their life changes and to seek a proportion of bungalows and level access

accommodation on developments of 100 dwellings or more. This approach is outlined under Policy H3 of the Submission Central Bedfordshire Local Plan, which can be given limited weight at this stage.

- 2.5 This policy seeks for the provision of bungalows as part of the housing stock, however it does not seek to impose conditions on such dwellings to restrict their occupation to those aged over 55. Indeed single storey accommodation is required to also meet needs of the population that have moderate and severe physical disabilities, which this condition as currently worded would restrict such persons who are aged under 55 to accessing this property.
- 2.6 It is advised that the bungalows as currently designed would not meet all of the requirements of the Category Requirement MA(2) adaptable homes or MA(3) wheelchair accessible homes of the Building Regulations, however it is considered that a bungalow would meet many of the requirements of MA(2)/(3) and may only require relatively minor modifications to meet the needs of persons with physical disabilities.
- 2.7 As such the provision of the bungalows is still considered to be a benefit of the development, as a home that is suitable for older persons and could be modified to meet the needs of those with physical disabilities. It is considered that the occupational restriction is overly restrictive and is not necessary to meet the housing objectives of the Council as identified by the Strategic Housing Market Assessment (2017) and as currently drafted in the Submission Central Bedfordshire Local Plan (2018), nor is it required to meet the objective of the Government as outlined in the NPPF to deliver homes to meet the needs of older people.
- 2.8 For the reasons outlined above it is advised to amend the condition by removing the occupational restriction but retain the requirement for the provision of three bungalows.

### **3. Other Considerations**

#### **3.1 Noise**

- 3.2 Concern has been raised in relation to noise and disturbance to residents on properties on The Avenue, as a result of the removal of the occupational restriction, however it is not considered that a direct correlation between age and noise can be drawn. Nevertheless; the proposal would not result in an unacceptable degree of noise and disturbance that would warrant the refusal of planning permission.

#### **3.3 Other conditions**

- 3.4 It is necessary to amend conditions on the outline planning permission to reflect the details already approved and the approved reserved matters application.

#### **3.5 Planning Obligations**

- 3.6 This application requires a deed of variation to ensure all planning obligations under the original approval would apply to any approval under this application.

3.7 **Human Rights issues:**  
The proposal raises no Human Rights issues.

3.8 **Equality Act 2010:**

3.9 The proposal raises no issues under the Equality Act 2010.

**Recommendation:**

That Outline Planning Permission be **GRANTED** subject to a Deed of Variation to the S106 agreement attached to CB/16/04369/OUT and subject to the following Conditions:

**RECOMMENDED CONDITIONS / REASONS**

1 Application for the approval of the reserved matters shall be made to the Local Planning Authority by no later than 11 December 2019.

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

2 Details of the layout, scale, appearance and landscaping, including boundary treatments (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with Article 3 of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended)

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 Any subsequent reserved matters application shall include the provision of three bungalows.

Reason: In view of the need for this type of accommodation in the area and in accordance with the Revised NPPF and Policy H3 of the Submission Central Bedfordshire Local Plan (2018).

5 Any subsequent reserved matters application shall not include any dwellings that are more than 2 storeys in height.

Reason: In order to provide an appropriate form of development in the interests of visual and residential amenity in accordance with policies CS14 and DM4 of Central Bedfordshire Core Strategy for the North and Section 7 of the NPPF.

- 6 Any subsequent reserved matters application shall include strategic landscaping buffers beyond the curtilages of dwelling houses along the southern and western edge of the site.

Reason: To safeguard the character and appearance of the area including the intrinsic character and beauty of the countryside on this prominent gateway and edge of settlement site, in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009), thereby ensuring the harm caused by the development does not significantly and demonstrably outweigh the benefits of development in accordance with the NPPF.

- 7 The landscaping scheme approved under Condition 2 shall be implemented and thereafter managed and maintained for a period of 10 years, in full accordance with details and timescales outlined within: ABBEY21394 11 E Sheet 1of2 and 2of2, ABBEY21394 Mon (Soft Landscape Management and Maintenance Plan) and ABBEY 21394 Spe (Soft Landscape Specification), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the site would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009 and the harm of the development would not outweigh the benefits in accordance with the NPPF.

- 8 The access shall be constructed and completed in full accordance with the approved drawing reference E3680/710 prior to the first occupation of any dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of appropriate access arrangements and associated off-site highway works in the interests of highway safety.

- 9 No dwelling hereby approved shall be first occupied until a 2 metre wide footway to form a continuous link to the junction of Jubilee Close has been constructed in accordance with the approved details under Condition 2, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The details are required prior to commencement to safeguard the character and appearance of the area and in the interests of road safety and pedestrian movement, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).

- 10 The slab levels of the buildings hereby approved site shall be in full accordance with the drawings: E3680/400/A, E3680/401/A, P1416.10 Rev A, P1416.11 Rev A and P1416.SS.03 Rev A, unless otherwise approved in writing by the Local Planning Authority.

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

- 11 Foul water drainage for the site shall be carried out in full accordance with the drawing E3680-505b before the development is completed, unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with policy DM2 of the Core Strategy and Development Management Policies 2009.

- 12 The surface water drainage scheme for the site shall be implemented in accordance with E3680-505b and E3680-Drainage Strategy - 0817-Rev2 before the development is completed, unless otherwise approved in writing by the Local Planning Authority.

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 the NPPF.

- 13 The surface water drainage scheme shall be maintained in accordance with the agreed management and maintenance plan: E3680-505b and E3680-Drainage Strategy - 0817-Rev2, unless otherwise approved in writing by the Local Planning Authority.

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.

- 14 The details within Ecological Maintenance Statement Abbey21394\_EMS Rev F detailing the creation of new wildlife features shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework.

- 15 The details required by Condition 2 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF.

- 16 Prior to the first occupation of any building the fire hydrants to serve that building shall be installed in accordance with drawing 10504922(1of2) Rev 0. Thereafter the fire hydrants shall be retained as approved in perpetuity, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to ensure appropriate access to fire hydrants for use in the event of emergency in accordance with policy DM3 of Central Bedfordshire Core Strategy for the North and the NPPF.

- 17 Development works as approved by this planning permission shall be undertaken in accordance with the approved Construction Management/Method Statement/Plan titled Construction Method Statement 27 April 2018 plan reference P1416.08RevC, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of safeguarding the local residential amenity and highway safety, in accordance with Policy DM3 of the Core Strategy and the NPPF.

- 18 The development hereby approved shall be carried out in accordance with the recommendation within the Breglobal Water Efficiency Calculator, Environmental Economics - Energy Reduction Study (28/07/2017), unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of sustainability, in accordance with Policy DM2 of the Core Strategy and Development Management Policies and the NPPF.

- 19 The details required by Condition 2 of this permission shall include a detailed waste audit scheme for the residential units in that area. The waste audit scheme shall include details of refuse storage and recycling facilities. The scheme shall be carried out in accordance with the approved details.

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with Policy DM3 of the Core Strategy for the North & Section 7 of the NPPF.

- 20 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers BLU1608\_L001, IR.BGVABLUNHAM.21\_02 Rev: B (insofar as it proposes the development access arrangements only).

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

**INFORMATIVE NOTES TO APPLICANT**

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

**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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

.....  
.....  
.....  
.....

<b>Item No. 7</b>
-------------------

<b>APPLICATION NUMBER</b>	<b>CB/18/03395/FULL</b>
<b>LOCATION</b>	<b>Land at Chapel End Road, Houghton Conquest MK45 3LL</b>
<b>PROPOSAL</b>	<b>Erection of 37 dwellings and associated development</b>
<b>PARISH</b>	Houghton Conquest
<b>WARD</b>	<b>Houghton Conquest &amp; Haynes</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Barker</b>
<b>CASE OFFICER</b>	<b>Benjamin Tracy</b>
<b>DATE REGISTERED</b>	<b>10 October 2018</b>
<b>EXPIRY DATE</b>	<b>09 January 2019</b>
<b>APPLICANT</b>	<b>Kier Living</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major Application - Houghton Conquest Parish Council Objection.</b>
<b>RECOMMENDED DECISION</b>	<b>Recommended for Approve</b>

**Summary of Recommendation:**

The proposed development would be contrary to Policy DM4 of the Core Strategy and Development Management Policies (2009) and Policy SP7 of the Submission Central Bedfordshire Local Plan. However those policies are not attributed full weight for the reasons outlined and as such would not justify the refusal of planning permission on their own. Notwithstanding; the latter the principle of residential development on this site has been established through an extant planning permission under reference CB/15/01362/OUT dated 02/06/2016 and the site also benefits from the approval of reserved matters under reference CB/17/01389/RM dated 26/06/2017.

The proposed development would deliver an additional 20 dwellings including 7 additional affordable homes, without extending further into the open countryside than the approved scheme and without diminishing the quality of the development, whereby the proposal is considered to be an efficient use of land. It is recommended that the benefits of the development would outweigh the non compliance with these policies. In considering the latter in the context of these objectives, other up-to-date Local Policies and the Policies within the NPPF have been considered.

For the reasons outlined within this report, the development is considered to be sustainable and no significant harm has been identified. It is considered that the benefits of the development would outweigh the conflict Policy DM4 of the Core Strategy and Development Management Policies (2009) and Policy SP7 of the Submission Central Bedfordshire Local Plan.

**Site Location:**

The application site forms part of the site approved planning permission for 125 dwellings with associated landscaping, public open space and infrastructure under reference CB/15/01362/OUT dated 02/06/2016 and benefits from the approval of reserved matters under reference CB/17/01389/RM dated 26/06/2017.

The development site forms a parcel of land located immediately north east of the settlement of Houghton Conquest. The site previously formed agricultural field. The site is as a whole abuts Chapel End Road to the south, Mill Lane to the north and abuts residential curtilages of dwellings on Crancott Close, Stanbridge Way and Broadway to the west. The eastern boundary abuts further open countryside.

The site subject to this application is to the rear (Northwestern part of the wider site).

**The Application:**

The application seeks planning permission for 37 dwellings and associated works.

The development approved planning permission and reserved matters included 17 dwellings on this parcel of land, whereby the proposal forms a net increase of 20 dwellings to that which has been approved.

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF) (July 2018)**

**Core Strategy and Development Management Policies - North 2009**

CS1 Development Strategy  
CS2 Developer Contributions  
CS3 Healthy and Sustainable Communities  
CS4 Linking Communities - Accessibility and Transport  
CS5 Providing Homes  
CS6 Delivery and Timing of Housing Provision  
CS7 Affordable Housing  
CS13 Climate Change  
CS14 High Quality Development  
CS16 Landscape and Woodland  
CS17 Green Infrastructure  
CS18 Biodiversity and Geological Conservation  
DM1 Renewable Energy  
DM2 Sustainable Construction of New Buildings  
DM3 High Quality Development  
DM4 Development Within and Beyond Settlement Envelopes  
DM9 Providing a Range of Transport  
DM10 Housing Mix  
DM14 Landscape and Woodland  
DM15 Biodiversity  
DM16 Green Infrastructure  
DM17 Accessible Green Spaces

## Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

### Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)  
Sustainable Drainage Guidance SPD (April 2014)  
The Leisure Strategy (March 2014)  
The Mid Bedfordshire Landscape Character Assessment (2007)  
Draft Central Bedfordshire Landscape Character Assessment (2015)  
Houghton Conquest Green Infrastructure Plan (2010)

### Relevant Planning History:

Case Reference	CB/17/01389/RM
Location	Land to the rear of Broadway and Crancott Close, Chapel End Road, Houghton Conquest
Proposal	Reserved Matters following outline application CB/15/01362/OUT construction of 125 dwellings, details of development layout, floor plans and elevational plans of dwellings and any other built structure, details of landscaping and boundary treatment.
Decision	Reserved Matters- Granted
Decision Date	26/06/2017

Case Reference	CB/15/01362/OUT
Location	Land to the rear of Broadway and Crancott Close, Chapel End Road, Houghton Conquest
Proposal	Outline application: of up to 125 dwellings with associated landscaping, public open space and infrastructure with all matters reserved except for access.
Decision	Outline Application - Granted
Decision Date	02/06/2016

**Consultees:**

Houghton Conquest The Parish Council OBJECTS to this application on the basis that it represents over-development of the site. Also, this increase in housing will put further strain on the amenities and services in the village and will increase traffic locally. As such, S106 contributions are sought for Houghton Conquest Village Hall, in recognition of the additional usage & strain that will be placed on this community facility.

Highways The Highway Authority have issued the following consultation response:

The scheme provides for 12 visitor parking spaces shown within the red line plan area, however 6 of those spaces are within private and not public areas. The parking to the northwest of the development within the blue line is for those dwellings nearby and remote from where the new section of housing is planned. As such the layout could not be supported in highway terms in its current form as it does not comply with the 2014 Design Guide.

However, if you are minded to approve the application the following conditions are recommended.

**Conditions**

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

**Reason**

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

2/ Before the development is brought into use, the proposed development shall be carried out and completed in all respects in accordance with the access siting and layout illustrated on the approved plan No. 389-SK-01 Rev J and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

**Reason**

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

3/ Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason

To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

4/ No building shall be occupied until the vehicle parking spaces have been properly surfaced and provided in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

Reason

To minimise the potential for on-street parking and thereby safeguard the interest of the safety and convenience of road users.

5/ Before (any of) the access(es) is first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level throughout the lifetime of the development.

Reason

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

6/ Visibility splays shall be provided at all 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.

7/ Before any dwelling is occupied, a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces per unit, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.  
(See Notes to the Applicant)

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.

Furthermore, I should be grateful if you would arrange for the following Notes to the applicant to be appended to any Consent issued by the council :-

1/ The applicant is advised that as a result of the development, new highway street lighting will be required, and the applicant must contact the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.

2/ The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ .

3/ The applicant is advised that all cycle parking to be

provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

Comments and advice in this memo are based on the information supplied in the planning application and accompanying documents/plans and no liability is accepted for any inaccuracy.

Waste

No objection to the application.

Lead Flood Authority

The Lead Flood Authority have raised no objection to this application subject to conditions relating to surface water drainage.

Strategic Housing

Strategic Housing have issued the following consultation response:

Strategic Housing support this application as it provides for policy compliant affordable housing provision with the provision of 35% affordable housing. The re-plan providing for 7 affordable dwellings. The entire affordable housing through the existing permission and current application providing for 51 affordable dwellings which demonstrates policy compliance.

In terms of tenure, application CB/18/03395/FULL complies with permission CB/15/01362/OUT and subsequent S106 dated 24<sup>th</sup> May 2016 with the provision of 63% affordable rent equating to 4 affordable rented units and 37% shared ownership equating to 3 shared ownership units. The precise affordable schedule by tenure has not yet been agreed by Kier Living. This will be dealt with via condition or S106. To summarise, the application provides for the following affordable housing provision;

- 7 affordable units (35%)
- 4 affordable rented units (63%)
- 3 shared ownership units (36%)

Whilst Strategic Housing support the application in terms of quantum of affordable housing provision, concerns are raised with the proposed cluster sizes from the existing permission and the increase in the largest cluster size under the re-plan of application CB/18/03395 with the increase of the number of affordable units within the cluster. The site plan denotes the largest cluster size of 25+ affordable housing units. The proposed cluster size is in excess of what the Council would deem as appropriate which is not usually more than 20 affordable in one cluster. Strategic Housing would like to see the

cluster dispersed further with the market housing to provide for a more suitable cluster size than currently proposed within the site plan and to promote community cohesion & tenure blindness.

We would expect the units to meet all nationally described space standards. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council. Strategic Housing are supportive of the application in terms of quantum of affordable provision and compliance with tenure. However, concerns have been raised over the cluster size under the re-plan of application CB/18/03395.

Strategic Landscaping	The Council's Strategy Landscape Officer has raised no objection to the application subject to soft landscaping to be secured by condition.
Sustainable Growth	The Council's Sustainable Growth Officer has raised no objection to the application subject to a condition that would ensure energy and water efficiency.
Beds Fire and Rescue	No objection subject to Building Regulations.
Internal Drainage Board	No comment.
Environment Agency	No objection.

**Other Representations:**

Neighbours	No representations received.
------------	------------------------------

**Determining Issues:**

The main considerations of the application are;

1. Principle
2. Highway Considerations
3. Impact on the Character of the area
4. Impact on neighbouring residential amenity and living conditions of future occupiers
5. Surface water drainage
6. Biodiversity
7. Contributions and the S106 agreement
8. Human Rights and Equality Act
9. Planning Balance

**Considerations**

**1. Principle**

- 1.1 The site lies outside the settlement envelope of Houghton Conquest and is

located within the open countryside, whereby the proposed development would be contrary to Policy DM4 of the Core Strategy and Development Management Policies (2009) and Policy SP7 of the Submission Central Bedfordshire Local Plan. However those policies are not attributed full weight as policy DM4 does not fully accord with the NPPF, and policy SP7 has not been considered as part of the local plan examination. As such non-compliance with the policies would not justify the refusal of planning permission.

- 1.2 Notwithstanding the above, the principle of residential development on this site has been established through the extant planning permission reference CB/15/01362/OUT dated 02/06/2016. This extant planning permission forms a material consideration that indicates that the principle of development in this location is acceptable subject to the detail of the application.

## **2. Highway Considerations**

- 2.1 The proposed development would be accessed via the existing access and access road approved under CB/15/01362/OUT and CB/17/01389/OUT. No amendments are proposed to the access road other than the provision of additional visitor spaces to meet the needs arising from the additional 20 dwellings and the amended plot accesses. It is considered that the additional movements from the site would not cause a severe impact on the capacity of the highway network nor is it considered that the proposed development would give rise to any highway safety concerns.
- 2.2 The proposed development would comply with quantum of spaces required by the Council's Parking Standards outlined within the Central Bedfordshire Design Guide. However the Highway Authority have expressed an objection in relation to 6 of the visitor spaces being located beyond the adoptable areas of the proposed highways and the location of the visitor spaces in relation to the new proposed dwellings. However it is considered that the proposed visitor spaces would be accessible to visitors and conditions could be imposed to maintain the hard-standing areas of this spaces. Furthermore it is considered that visitor spaces are distributed across the site with spaces available in close proximity to the proposed dwellings. Therefore it is recommended that the location of visitor spaces would not warrant the refusal of planning permission.
- 2.3 For the reasons outlined above subject to the conditions recommended by the highway authority, it is considered that the proposed development is acceptable within this context.

## **3. Impact on the Character of the Area**

- 3.1 The proposed development would not encroach further into the site or the green infrastructure approved under reference CB/17/01389/RM. The additional dwellings would be achieved by introduction in smaller house types, restricted to two storeys in scale to replace the more spacious/ premium two storey plots approved as part of the extant permission. It is considered that the proposed development would not cause a materially greater visual impact upon the Landscape and would not cause a harmful impact to the intrinsic character and beauty of the countryside.
- 3.2 It is considered that the proposed dwellings would be of similar design and architectural style to those approved on the remainder of the site and that the

development would form high quality design. It is considered that the layout of the development would accord with the principles outlined within the Central Bedfordshire Design Guide.

- 3.3 The proposed materials are considered to be of a high-quality design and would compliment and match those of the existing development and surrounding area.
- 3.4 For the reasons outlined above, subject to conditions to ensure the development is implemented as approved and would benefit from high quality landscaping, it is considered that the proposed development would accord with Policy DM3 of the Core Strategy and Development Management Policies (2009) and Policy HQ1 of the Submission Central Bedfordshire Local Plan. Furthermore it is considered that the proposed development would accord with Policies CS16 and DM14 of the Core Strategy and Development Management Policies (2009) and Policies EE4, EE5 and EE9 of the Submission Central Bedfordshire Local Plan (2018).

#### **4. Impact on neighbouring residential amenity and living conditions of future occupiers**

- 4.1 It is considered necessary, relevant and reasonable to impose precise and enforceable conditions to ensure obscure glazing and restricted opening to upper floor side windows on the development, as well as to remove permitted development rights for the installation of upper floor windows on specified elevations on plots 117, 124, 133, 139 and 145 to safeguard the privacy of occupiers of neighbouring dwellings.
- 4.2 The proposed development would provide appropriate back to back separations form neighbouring dwellings including dwellings beyond the development site, approved planning permission and those forming part of this application.
- 4.3 Subject to conditions, when considering the scale of the proposed buildings in relation to neighbouring dwellings and the proposed location in relation to the fenestration of neighbouring dwellings, it is considered that the proposed dwellings would not cause any unacceptable impacts upon any neighbouring dwellings, in the context of loss of light (measured in accordance with the 45 degree rule of thumb), outlook, overbearing impacts or privacy (subject to conditions).
- 4.4 For the reasons outlined above it is considered that the proposed development would not cause an unacceptable impact upon the occupiers or future occupiers of any neighbouring dwelling, in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009) and Policy HQ1 of the Submission Central Bedfordshire Local Plan (2018).
- 4.5 Furthermore; it is considered that the proposed dwellings would be served by private amenity spaces that accord with the standards within Central Bedfordshire Design Guide and that the proposed dwellings would provide an acceptable standard of light and outlook to future occupiers. For the latter reasons it is considered that the proposed dwellings would provide an acceptable standard of amenity and living conditions to future occupiers.

#### **5. Surface Water Drainage**

5.1 The Lead Flood Authority have raised no objection to the proposed development subject to the imposition of a condition that would ensure that the site would be sustainably drained and that the infrastructure would be managed.

5.2 Therefore subject to conditions it is considered that the development is acceptable within this context.

## **6. Biodiversity**

6.1 The Application would not affect protected species. The Natural Capital and Ecosystem Services the site provides are recognised however it is considered that the benefits of development would outweigh any negative impact in this context. Furthermore the development includes a scheme for ecological enhancements and soft landscaping would be secured via condition. It is considered that these ecological enhancements and soft landscaping would deliver a net gain for biodiversity. Therefore subject to conditions that would secure a net gain for biodiversity it is considered that the proposed development is acceptable within this context.

## **7. Contributions and the S106 agreement.**

7.1 A deed of variation to the original S106 agreement would be required to ensure that the contributions for 125 dwellings would be secured as agreed in accordance with that permission as well as to ensure that policy compliant affordable housing would be provided on the site (2 additional affordable dwellings are proposed to be delivered on the existing site - Plots 85 and 86).

7.2 A S106 agreement will be required to secure the addition affordable housing (5 affordable homes to be delivered within the red line area) and the contributions towards infrastructure required to meet the needs of the future occupiers of the additional 20 dwellings.

7.3 The Education Authority have requested the following contributions based on the additional 20 dwellings:

- Early Years Contribution - £20,739.60
- Lower School Contribution - Houghton Conquest Lower School Expansion - £69,132.00
- Middle School Contribution - Marston Vale Middle School expansion or new secondary school places within Wixams Development - £85,303.30
- Upper School Contribution - Wooton Upper School expansion or new secondary school places within Wixams Development - £355,430.40

7.4 The following Community Facility infrastructure request has been received based on the additional 20 dwellings:

- Community Facilities Contribution - Refurbishment of Houghton Conquest Village Hall and installation of renewable energy sources at the existing hall - £21,912.00

7.5 No response for contributions have been received from Leisure or the NHS/ BCCG, even though this has been chased. This shall be chased and the Committee shall be updated within the late sheet.

## **8. Other Considerations**

**8.1 Climate Change**

8.2 The Council's Sustainable Growth Officer has requested the imposition of a condition to ensure that renewable and low energy sources would generate 10% of the energy needs of the development and also the water efficiency measures would achieve 110 litres per person per day. Subject to conditions it is considered that the development would be acceptable within this context.

**8.3 Affordable Homes Cluster Size**

8.4 The Council's Strategic Housing Teams concern in relation to the cluster size of affordable homes as a result of this development, however when considering the tenure split and the benefit of providing these additional affordable homes, it is considered that the proposed development would be acceptable in this instance. The Council's Strategic Housing Team have indicated that due to the benefit of providing these additional homes, that this benefit would outweigh the concern in relation to clustering and that Strategic Housing would not recommend refusal on these grounds.

**8.5 Human Rights and Equality Act**

8.6 Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

**9. Planning Balance**

9.1 It is considered that the principle of the proposed development would be contrary to Policy DM4 of the Core Strategy and Development Management Policies (2009) and Policy SP7 of the Submission Central Bedfordshire Local Plan. However those policies are not attributed full weight and as such would not justify the refusal of planning permission on their own. Notwithstanding; the latter the principle of residential development on this site has been established through an extant planning permission under reference CB/15/01362/OUT dated 02/06/2016 and the site also benefits from the approval of reserved matters under reference CB/17/01389/RM dated 26/06/2017.

9.2 The proposed development would deliver an additional 20 dwellings including 7 additional affordable homes, without extending further into the open countryside than the approved scheme and without diminishing the quality of the development, whereby the proposal is considered to be an efficient use of land. It is recommended that the benefits of the development would outweigh the non compliance with these policies. In considering the latter in the context of these objectives, other up-to-date Local Policies and the Policies within the NPPF have been considered.

9.3 The proposed development has been considered against the three objectives of sustainability, which are the social, environmental and economic objectives, to determine whether the development would be sustainable and the benefits would outweigh the non compliance with these policies. In considering the latter in the context of these objectives, other up-to-date Local Policies and the Policies within the NPPF have been considered.

9.4 It is considered that the benefits of the development, which would include: the provision of 20 additional homes including 7 affordable homes which would positively contribute towards housing need; as well as the economic benefits of additional residents supporting local services and facility, in addition to the provision of employment during construction.

9.5 For the reasons outlined within this report, the development is considered to be sustainable and no significant harm has been identified. It is considered that the benefits of the development would outweigh the conflict Policy DM4 of the Core Strategy and Development Management Policies (2009) and Policy SP7 of the Submission Central Bedfordshire Local Plan.

**Recommendation:**

That Planning Permission be **GRANTED** subject to S106 agreement(s) and the following Conditions:

**RECOMMENDED CONDITIONS / REASONS**

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

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

2 No dwelling hereby approved shall be first occupied until details of all final hard surfacing materials as well as an Implementation scheme for all hard landscaping (including boundary treatments in accordance with Drawing reference 389-SK-07 Rev H and hard surfaced areas), has been submitted to and approved in writing by the Local Planning Authority. The implementation scheme shall detail the time scales/ triggers for the completion of hard landscaping. Thereafter the development shall be completed in full accordance with the approved details and the implementation scheme.

Reason: To secure the delivery of car parking spaces, boundary treatments and hard landscaping to safeguard the visual amenities of the locality and the amenity of future occupiers.

3 No works above slab level relating to the construction of the dwellings hereby approved shall take place until details of soft landscaping together with a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.

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

- 4 No dwelling hereby approved shall be first occupied until a Landscape Maintenance and Management Plan for all hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the persons or body that will be responsible for delivering the approved landscape maintenance and management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 2 and 3.

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

- 5 The development shall be externally finished in the materials specified on Drawing reference 389-SK-08 Rev H, including the materials specified for external walls, roofs, doors, windows, rainwater goods and soffits, unless otherwise approved in writing by the Local Planning Authority.

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

- 6 **No development shall commence until a detailed surface water drainage scheme, to manage surface water run off from the development for up to and including the 1 in 100 year event (+40%CC) for the scheme has been submitted to and approved in writing by the Local Planning Authority. The discharge rate from the development will be limited to the equivalent 1 in 1 year rate, or an appropriate rate as agreed by the Bedford Group of Internal Drainage Boards or sewage undertaker. The final detailed design shall be based on the agreed drainage Strategy (to be submitted) and DEFRA's Non-statutory technical standards for sustainable drainage systems (March, 2018) and shall be implemented as approved. Any variation to the connections and controls indicated on the approved drawing which may be necessary at the time of construction would require the resubmission of those details to the Local Planning Authority for approval.**

**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.**

- 7 No dwelling hereby approved shall be first 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 confirmation that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details. Thereafter the surface water drainage system shall be managed in accordance with the approved details for its lifetime, unless any other variation is agreed in writing.

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.

- 8 Bird and bat bricks shall be installed in the dwellings identified on drawing reference 389-SK-10 Rev D and in full accordance with the details specified on that drawing, prior to the first occupation of those dwellings, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure development is ecologically sensitive and secures biodiversity enhancements in accordance with the National Planning Policy Framework.

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

Reason: In the interests of sustainability.

- 10 The first floor windows in the side elevations of plots 109, 110, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 125, 126, 127, 128, 129, 131, 132, 134, 135, 136, 137, 138, 140, 141, 142, 143 and 144 of the development hereby permitted shall be permanently fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be non-opening, unless the parts of the window(s) which can be opened are more than 1.7m above the floor of the room(s) in which the window(s) is installed.

Reason: To safeguard the privacy of occupiers of adjoining properties.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no upper floor windows shall be inserted into: the northeastern elevation of plots 133 and 139; the southeastern elevation of plot 124; the southwestern elevation of plot 145; or the northwestern elevation of plot 117, of the development hereby permitted, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the privacy of neighbouring residents.

- 12 No dwelling hereby permitted shall be first occupied until the vehicle parking spaces to serve that plot as indicated on the approved drawings to serve that dwelling have been completed and surfaced in accordance with the approved hard landscaping scheme. Thereafter the vehicle parking spaces shall be kept available for parking at all times.

Reason: to minimise the potential for on-street parking and thereby

safeguard the interest of the safety and convenience of road users.

- 13 Prior to the first use of any new access drive, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The vision splay so described shall be kept free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level throughout the lifetime of the development.

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

- 14 Prior to the first use of any approved road junctions within the site, visibility splays shall be provided at those road junctions. As a minimum dimensions of the visibility splays 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 thereafter be proposed 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 junctions in the interest of road safety.

- 15 No dwelling hereby permitted shall be first occupied, until a scheme for the secure and covered parking of cycles on the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter no dwelling shall be first occupied until the cycle parking to serve that dwelling has been completed and made available for use.

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.

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: Revised Site Location Plan; 389-SK-01 Rev J; 389-SK-06 Rev J; 389-SK-07 Rev H; 389-SK-10 Rev D; 389-SK-04 Rev J; KSHT-OAKW-101-05A; KSHT-OAKW-101-01; KSHT-OAKF-101-03A; SHT-OAKF-101-01; KSHT-HOPWv2-101-05A; KSHT-HOPWv2-101-01; KSHT-CHAR-101-50A; 2BH-A-01; 2BH-A-G-01 Rev B; 3BH-A-01 Rev B; SG2-101-01; and DG2-101-01.

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

## **INFORMATIVE NOTES TO APPLICANT**

1. This permission relates only to that required under the Town & Country

Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

2. The applicant is advised that as a result of the development, new highway street lighting will be required, and the applicant must contact the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
3. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ .
4. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

**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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

.....  
.....

This page is intentionally left blank

<b>Item No. 8</b>
-------------------

<b>APPLICATION NUMBER</b>	<b>CB/17/04133/FULL</b>
<b>LOCATION</b>	<b>Fulbrook Middle School, Weathercock Lane, Aspley Guise, Milton Keynes, MK17 8NP</b>
<b>PROPOSAL</b>	<b>The Construction of a Synthetic Turf Pitch with Associated Floodlighting, Fencing, and Ancillary Features</b>
<b>PARISH</b>	<b>Aspley Guise</b>
<b>WARD</b>	<b>Aspley &amp; Woburn</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Wells</b>
<b>CASE OFFICER</b>	<b>Stuart Kemp</b>
<b>DATE REGISTERED</b>	<b>26 October 2017</b>
<b>EXPIRY DATE</b>	<b>21 December 2017</b>
<b>APPLICANT</b>	<b>Fulbrook Middle School</b>
<b>AGENT</b>	<b>Geraint John Planning</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application site is council owned land and an objection has been received which cannot be overcome through condition.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Reason for Recommendation:**

The proposal constitutes the construction of a synthetic turf pitch with associated fencing and flood lighting within an existing school playing field. The proposal is considered appropriate development within the Green Belt as it would provide an appropriate facility for outdoor sport and recreation, would preserve the openness of the Green Belt, and would not conflict with the purposes of including land within the Green Belt. The proposed would not result in any undue detrimental harm to the character or appearance of the area, neighbouring amenity, trees or landscaping, ecology nor highways safety given its design, siting and the conditions attached. As such the proposal is considered acceptable in accordance with policies CS3 and DM3 of the North Core Strategy and Development Management Policies, Sections 8, 12, 13 and 15 of the National Planning Policy Framework and the Central Bedfordshire Design Guide.

**Site Location:**

The application site comprises of Fulbrook Middle School and associated school grounds located to the north Weathercock Lane and south east of Burrows Close in Woburn Sands.

The site is located within the Green Belt.

**The Application:**

Planning permission is sought for the construction of a Synthetic Turf Pitch with Associated Flood lighting, Fencing, and Ancillary Features.

The pitch would have a maximum width of 61 metres and depth of 97 metres, it would benefit from open panel fencing along the perimeter at a maximum height of

4.5 metres. 6 floodlights would be installed outside of the parameter fencing at a maximum height of 15 metres.

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF) (March 2012)**

**Core Strategy and Development Management Policies - North 2009**

CS1 Development Strategy

CS3 Healthy and Sustainable Communities

CS14 High Quality Development

DM3 High Quality Development

**Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

SP1: Growth Strategy

SP4: Development in the Green Belt

HQ1: High Quality Development

T2: Highway Safety and Design

T3: Parking

EE13: Outdoor sport, leisure and open space

CC5: Sustainable Drainage

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

Design Supplement 7 Householder Alterations and Extensions

**Relevant Planning History:**

None Relevant

**Consultees:**

Aspley Guise Parish No response received  
Council

Highways Officer No objection.

SuDS Engineer We are pleased to see an integrated SUDS solution for this development proposal and recommend a condition

Landscape Officer

be applied to secure the final detailed design of the surface water drainage system, its implementation and long term maintenance/management.

CB/17/04133- Fulbrook MS Muga - Landscape and Visual: there are landscape concerns regarding the visual impact of this proposal, a factor which does not seem to have been given appropriate consideration within the Application. The proposal is sited in the southeastern corner of the school site, very close to the site boundary and adjacent to the wooded features of the Golf Course. Currently there are attractive views of the woodland gained from Weathercock Lane, these are of local value, as they help retain the connection to the countryside. The site lies within the "Woburn Greensand Ridge " landscape character area, where the strategy is to "conserve and enhance" traditional landscape features. The Guidelines for Development include the need to "Conserve the strong wooded context to settlements..... (6A.1.39)"

The landscape concerns relate to the visual impact of the 6 x 15m high lighting columns and to a lesser extent, the appearance of the fencing. It is noted that there will be significant spillage of light into the neighbouring woodland. Apart from the ecological concerns, the loss of tranquillity (which is accepted as covering visual as well as noise disturbance) is an issue, as the visual impact of fencing and lighting and the artificial surface will urbanise the foreground to the wood. There is also the concern regarding the potential conflict and longterm management implications to the wooded edge - the stand-off between the development and the trees does not appear to be sufficient. Whilst the wooded edge provides some containment in the view, experience suggests that there may need to be greater management of the trees on the boundary in the future.

The Floodlighting Report, in my view, erroneously assesses the site as being within "Environmental Zone 3 ", considering it to be within a suburban area. Given the countryside and wooded setting, it would be more appropriate to design a scheme acceptable to EZ 2 - the rural area, especially as the MUGA is at the furthest point from the highway and existing developed area.

More information on alternative lighting solutions are required. Lower height columns which reduce the light spillage should be considered. The visual impact of columns can also be reduced through the use of recessive coloured coatings rather than silver grey, particularly as the columns will be seen against the dark backcloth of the wood. and this should also be explored.

The Application has not included a landscape scheme or detailed how the soils to be excavated will be disposed of.

Until a landscape scheme is submitted, the scheme can not be considered acceptable.

If progressed, a landscape mitigation scheme will be required. There appears to be scope to establish some trees and hedging on site, eg between the highway frontage and the area of playing field to the west of the MUGA. Planting which creates a filtered screen, whilst still allowing views through to the woodland would be appropriate. Opportunities to create wildflower rich grassland utilizing sandy soils would also be beneficial.

nb. Woburn Sands lies just outside of the "Greensand Country " Landscape Partnership Programme, a HLF funded conservation programme aimed at halting the decline in landscape character experienced across the Greensand Ridge, part of which has been caused by the impact of minor schemes which result in suburbanisation of the rural area.

Trees and Landscape  
Officer  
Ecology

No objection subject to condition.

**Response 01/11/2018**

The scheme is objected to for the following reasons;

The April 2018 Preliminary Ecological Appraisal notes that the trees in the neighbouring habitat (tree line and spinney) have potential to support foraging/commuting bats. The ponds and rougher vegetation both in the wider and neighbouring sites also offer suitable foraging habitat for bats. Bats are a European Protected Species and legislation states;

Wild animals of a European Protected Species are protected from disturbance. Disturbance of such wild animals includes in particular any disturbance which is likely:

(a) To impair their ability:

o to survive, to breed or reproduce, or to rear or nurture their young; or

o in the case of animals of a hibernating or migratory species, to hibernate or migrate, or

(b) To affect significantly the local distribution or abundance of the species to which they belong.

The PEA acknowledges potential impacts on bats as a result of lighting stating 'Any increase in lighting, particularly of the boundary tree lines and spinney, could adversely impact the suitability of the site in supporting

foraging/commuting bats, through the displacement of such behaviours.'. Recommendations are made within the report to limit the use of the floodlighting and for further surveys to determine the level of use of the site by bats. The planning statement acknowledges this potential impact in 5.26.

Central Bedfordshire Council now holds a District Licence for Great Crested Newts and as such the applicant could apply for this licence to cover any potential impacts on GCN.

The NPPF states that the right information is crucial to good decision-making, as such without the necessary detail to inform a decision it is not possible to adequately determine impacts from the proposal.

The updated NPPF also expects development proposals to deliver net gains for biodiversity, this site lies on the edge of the Greensand Ridge Nature Improvement Area and as it stands the scheme only appears to result in a detrimental ecological impact and is therefore contrary to policy."

#### **Additional Response - 10/12/2018**

Ecology CB/14133

Following the Preliminary Ecological Appraisal further bat survey work was undertaken, this identified 6 bat species using the site including the nationally scarce Barbastelle. The report concludes in 'The use of the site by Barbastelle indicates high importance to foraging and commuting bats... As a site of high importance it is necessary to avoid displacement of this use and the only way of doing this is to avoid floodlighting at critical times.'

Whilst the report suggests no lighting of the sports pitch from dusk through to dawn between the months of April and September inclusive it is recommended that this restriction be extended to October inclusive, the warmer UK autumns of recent years would suggest it is wise to allow for longer periods of bat activity.

A lighting spill plan was submitted with the application and this was revised to allow for the movement of lighting column M4 at the eastern goal end to be moved, M6 at the western goal end should also be moved to take it further away from the boundary tree line where the bats have been recorded commuting.

All columns must have directional lighting to minimise spillage and an updated light spill plan will be required, this should accompany a lighting strategy to be conditioned suggested wording follows;

Prior to use, a “lighting design strategy for bats” for the new sports pitches shall be submitted to and approved in writing by the local planning authority.

The strategy shall:

a) identify those areas/features on site that are particularly sensitive for Barbastelle bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging;

b) show how floodlighting will be installed (through the provision of appropriate lighting contour plans and technical specifications);

c) pitches shall not be lit between from dusk through to dawn between the months of April and October inclusive, unless otherwise agreed in writing by the local planning authority

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

**Reason: To prevent a detrimental impact to the nationally scarce Barbastelle bat.**

Pollution Officer	No objection subject to conditions.
Leisure, Libraries and Countryside Policy Manager	Support the application subject to inclusion of Sport England Recommended conditions
Sports England	No objection subject to conditions following revised plans.
Archaeological Officer	No objection

**Other Representations:**

Neighbours	
1 Neighbour Objection	Objection (Summary) - Object to hearing adults shouting and using foul language from rear garden and the possible chances of footballs landing in garden or striking children.
1 Neighbour Comment	Comment (Summary) - Impact on Highways leading to overcrowding and parking of cars along Weathercock Lane. - Impact of sustained levels of increased noise. - Lack of consultation as outside of district boundary.

**Considerations**

**1. Principle**

1.1 The application site is located within the Green Belt and therefore Section 13 of the National Planning Policy Framework (NPPF) is a key consideration in the

determination of this application.

- 1.2 Section 13 of the NPPF explains that the government places great importance on the protection of Green Belts. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 1.3 The five purposes of including land within the Green Belt as outlined in paragraph 134 of the NPPF are as follows:
  - to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 1.4 Paragraph 144 of the NPPF states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It states that 'very special circumstances' will not exist unless the harm that would be caused to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 1.5 Paragraph 145 explains that the construction of new buildings should be regarded as inappropriate development, unless it falls within the provided list of exceptions. The applicant is relying on exception 2: provision of appropriate facilities for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 1.6 The proposal is for the construction of a synthetic turf pitch as well as associated fencing and flood lighting within the existing school playing field. As such it is considered that the proposal would constitute the provision of outdoor facilities for outdoor sport. The proposed pitch would be well located adjacent to existing development and would be constrained within the application site through the existing boundary treatment to the east, large woodland to the north and residential development to the west and south. Given the siting and nature of the proposal, whilst it would result in an increased developed form within the site, it is not considered to conflict with any of the 5 purposes of including land within the Green Belt and as such would aid in preserving the openness of the Green Belt. As such the proposal would not result in any undue impact on the openness of the Green Belt.
- 1.7 Given the above, the proposal is considered to constitute appropriate development within the Green Belt which would not result in any undue harm to the openness of the Green Belt.
- 1.8 Policy CS3 of the North Core Strategy and Development Management Policies Document (2009) states that the council will ensure that appropriate infrastructure is provided for existing and growing communities by supporting in

principle the upgrading of community, education, open space, recreation, sports, play and health facilities and will approve new development which makes provision of the above. The proposal is considered to be in accordance with the above policy through the upgrading of the existing sports facilities (playing field).

1.9

Given consideration of the above the proposal is considered to be acceptable in accordance with both Sections 8 and 13 of the NPPF in regards to Green Belt and Policy CS3 of the North Core Strategy and Development Management Policies as such the proposal is considered to be acceptable in principle.

## **2. Impact on the Character and Appearance of the Area**

2.1 The proposed synthetic pitch has been set back from the front of the application site to ensure that it does not form part of the existing streetscene along Weathercock Lane.

2.2 The materials to be used for the perimeter fencing are similar to those utilised in the existing boundary fencing around the school planning field and as such the erection of such fencing would not result in any undue impact on the character or appearance of the area.

2.3 The number of proposed floodlights have been kept to a minimum and would be designed to reduce light spill around the site. The site is well screened by existing landscaping and is contained by both the landscaping and neighbouring residential development. Given this, the proposal would not result in an undue impact on the character or appearance of the area.

2.4 It is considered that the proposal would not have a detrimental impact on the character and appearance of the surrounding area and that it is in accordance with policies in the Core Strategy and Development Management Policies Document dated 2009, Chapter 12 of the NPPF and the Central Bedfordshire Design Guide.

## **3. Neighbouring Amenity**

3.1 The proposed pitch would be located adjacent to the boundary of the rear garden of the nearest neighbouring property at No.43 Weathercock Lane. Given the nature of the proposed development it would not affect No.43 in terms of loss of light or privacy and would not appear as unduly overbearing.

3.2 The pollution team have been consulted on the proposal in regards to the impact of light spill and noise on neighbouring amenity. Revisions have been made to the proposed flood lighting in order to reduce light spill to an acceptable level. As such the pollution team have raised no objection to this aspect subject to conditions to further control the extent of illumination.

3.3 The noise assessments submitted are considered to be satisfactory, whilst the pollution team have noted that the community use associated with the pitch would result in increased use of the site in comparison to the existing playing field. Given this increased use a condition has been attached to require further noise mitigation measures in order to further protect existing neighbouring occupiers from noise.

3.4 Given the above assessment and having consideration to the comments of the

pollution officer the proposal is considered to have an acceptable impact on neighbouring amenity subject to conditions.

#### **4. Trees and Landscape**

- 4.1 The Trees and Landscape Officer has been consulted on the proposals and following revisions to the siting of the proposed flood light columns has raised no objection subject to condition.
- 4.2 The revisions ensure that any potential conflict of the existing trees along the boundary to the east of the site is kept to a minimum and as such the proposal is considered acceptable in this regard subject to condition.
- 4.3 The Landscape Officer has also been consulted on the proposal and has made comments in regards to the impact of the proposed floodlighting and the lack of any landscape scheme.
- 4.4 Whilst the floodlights would be visible within the locality of the site they are considered to be commensurate to the scale of the proposed development, in addition a revised light spill plan has been provided which further reduces light spill into the adjacent woodland. The proposed pitch would be located within the school field adjacent to the existing concrete playground which already benefits from external floodlighting, although on a smaller scale to that proposed. A condition has been attached to ensure that the extent of illumination is agreed prior to the instalment of the floodlighting on site as well as a condition to restrict the hours of use of the pitch and associated lighting. In addition, a condition has also been attached requiring a detailed landscape scheme. Given the above, the proposal is considered to have an acceptable impact on Landscape subject to the conditions attached.

#### **5. Highways**

- 5.1 The site currently benefits from extensive parking adjacent to the main school building, during school hours the pitch would be used by school pupils only and would not generate any increased parking provision. Outside of school hours the existing car parking would be utilised to serve a wider community use of the proposed pitch. The Highways Officer has been consulted on the proposal and has raised no objection.
- 5.2 The existing car park is considered adequate to serve the pitch outside of school hours in accordance with the requirements of the Central Bedfordshire Design Guide, as such the proposal is considered to be acceptable in this regard.

#### **6. Ecology**

- 6.1 The proposed siting of the synthetic pitch currently comprises of a section of the existing grassed school playing field which is bordered by woodland and soft landscaping to the north east and south east.
- 6.2 The ecologist initially objected to the proposal given that limited information was provided in regards to the potential impact of the development on protected bat species.
- 6.3 The applicant has subsequently submitted a formal bat survey which identifies protected bat species present on and around the site and proposes mitigation

against any such harmful impact through the restricted use of the floodlighting during bat foraging months (April - October).

- 6.4 The ecologist has provided an updated response following receipt of this report which has led to further revisions in regards to the position of proposed floodlighting, by further reducing light spill along the south eastern boundary and has also recommended a condition be attached to any approval to appropriately restrict the use of floodlighting.
- 6.5 Given the revised light spill plan and floodlighting position and the inclusion of the recommended condition restricting the use of floodlighting between April - October, the proposal is considered to have an acceptable impact in this regard.

## **7. Other Considerations**

### **7.1 SuDS Engineer:**

The councils SuDS engineer has been consulted on the proposal and has made no objection subject to further details in regards to the surface water drainage for the site being provided through condition.

### **7.2 Sport England:**

Sport England have also raised no objection to the revised proposals subject to the inclusion of conditions relating to the final material finish and layout of the pitch.

### **7.3 Neighbour Objection / Comment:**

The formal objection and comment of the neighbours in regards to this application have been addressed in the relevant sections above. The proposed noise and highways impacts are considered to be minor and acceptable with neither the Pollution Officer or Highway Officer raising any objections in relation to these issues. The Local Authority conducted an extensive consultation on this application including the direct consultation of 20 neighbouring properties (adjoining the red line plan of the site as required) and a site notice was erected on Weathercock Lane on 31/10/2017.

### **7.4 Human Rights issues:**

The development has been assessed in the context of human rights and would have no relevant implications.

### **7.5 Equality Act 2010:**

The development has been assessed in the context of the Equalities Act 2010 and would have no relevant implications.

## **Recommendation:**

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

## **RECOMMENDED CONDITIONS / REASONS**

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

Reason: To comply with Section 91 of the Town and Country Planning Act

1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 All external fencing works hereby permitted shall be carried out in materials as shown on approved plan no.CBC/001.

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 12, NPPF)

- 3 **Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.**

**Reason:**  
**To protect the amenity of neighbouring residential occupiers from adverse impacts due to obtrusive or spillover light or glare (Chapter 12 NPPF).**

- 4 **Prior to development, an Arboricultural Method Statement, prepared by a suitably qualified arboriculturist, shall be submitted to the Local Planning Authority for approval, specifying the appropriate tree maintenance work required for the adjacent woodland edge, located along the southeastern boundary of the new sports pitch, in respect of the initial installation and future maintenance of the floodlighting columns. The tree work shall be specified in accordance with BS 3998: 2010 "Tree Work - Recommendations" and shall only stipulate the minimum work required to facilitate provision and upkeep of the lighting columns, and therefore seek to maximise tree cover by avoiding unnecessary and excessive pruning work. The approved Arboricultural Method Statement shall then be used throughout the entire course of development works, and future site usage of the floodlit sports turf facilities.**

**Reason:**  
**To ensure that the screening value and visual amenity of the adjacent woodland strip is maximised, and that only the minimum access facilitation pruning and future maintenance work is carried out, thereby preventing unnecessary and excessive pruning works from being undertaken.**

- 5 The development shall not be brought into use until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall

subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.  
(Sections 12 & 15, NPPF)

- 6 Prior to use of the development hereby approved, a “lighting design strategy for bats” for the new sports pitches shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for Barbastelle bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging;
  - b) pitches shall not be lit from dusk through to dawn between the months of April and October inclusive, unless otherwise agreed in writing by the local planning authority

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To prevent a detrimental impact to the nationally scarce Barbastelle bat in accordance with section 15 of the NPPF.

- 7 **No development shall take place until details of the method of disposal of surface water drainage have been submitted to and agreed in writing by the Local Planning Authority, including any land drainage system. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been implemented.**

**Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.  
(Section 14, NPPF)**

- 8 **No development shall commence until full details of the design and layout of the proposed artificial pitch have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The facility shall not be constructed other than in accordance with the approved details.**

**Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy.**

- 9 Use of the development shall not commence until:
- (a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS) and
  - (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy.

- 10 The artificial grass pitch and associated flood lighting shall not be used outside the hours of:
- a) 8 a.m. and 9 p.m. Monday to Friday;
  - b) 10 a.m. and 6 p.m. on Saturday and Sunday

In addition the associated flood lighting shall not be used at all between the months of April and October (inclusive).

Reason:

In the interests of the protection of habitats and protected species and neighbouring amenity, and to accord with Development Plan Policy, (Chapter 12, NPPF).

- 11 Use of the artificial grass pitch shall not commence until a community use agreement prepared, in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason:

To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy (Chapter 12, NPPF).

- 12 Prior to commencement of use of the new facility, the existing artificial cricket wicket shall be relocated in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority in consultation with Sport England.

Reason: To ensure this facility is retained in a suitable location to meet Sport England/ECB guidelines, and to accord with Development Plan Policy

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers NSFMS001 B, NSFMS002 B, NSFMS003 E, NSFMS004 C, NSFMS005 C, NSFMS006 D, NSFMS007, NSFMS009 B, HLSO2790 Rev 8, CBC/001.

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

## **INFORMATIVE NOTES TO APPLICANT**

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other

enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
3. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).
4. Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

**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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

.....  
.....

**Item No. 9**

<b>APPLICATION NUMBER</b>	<b>CB/18/03205/FULL</b>
<b>LOCATION</b>	<b>Land adjacent to Ashridge, Pepsal End Road, Pepperstock, Luton, LU1 4LJ</b>
<b>PROPOSAL</b>	<b>Erection of a production facility (with use classes B1(a) (offices) and B1(c) (light industry appropriate in a residential area)) with associated office, on-site parking and an access road off Pepsal End Road</b>
<b>PARISH</b>	<b>Slip End</b>
<b>WARD</b>	<b>Caddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Collins &amp; Stay</b>
<b>CASE OFFICER</b>	<b>James Peck</b>
<b>DATE REGISTERED</b>	<b>20 August 2018</b>
<b>EXPIRY DATE</b>	<b>15 October 2018</b>
<b>APPLICANT</b>	<b>Harper</b>
<b>AGENT</b>	<b>DLA Town Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in for determination by the Development Management Committee by Cllr Stay if minded to refuse on the basis of:</b> <ul style="list-style-type: none"><li><b>• Minimal to zero impact on landscape</b></li><li><b>• This development is justified on Green Belt because VSC's include sustainability of the Harpers facility, employment and minimal impact on Green Belt</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Refusal</b>

**Summary of Recommendation:**

The proposal for a production facility is washed over by the South Bedfordshire Green Belt and would constitute inappropriate development. Substantial harm should be attached to the inappropriateness of the proposal and its impact on openness by way of its proposed planning uses, positioning, scale and bulk. Very special circumstances are considered to not have been demonstrated to outweigh the potential harm of the proposal. Consequently, the principle of development has not been established.

The proposal would also have a significant, adverse impact on local visual amenity due to it appearing out-keeping with its local rural context and having an impact on residential amenity due to the proposal being located in close proximity to neighbouring occupiers.

On balance, the Green Belt harm of the proposal, by way of its inappropriateness as well as its identified negative impact on local visual and residential amenity, is considered to demonstrably outweigh any of the assessed positive attributes or contributions that the proposal may bring and on this basis the proposal has been recommended for refusal.

**Site Location:**

The application site, located on the eastern side of Pepsal End Road in the village of

Pepperstock, is flanked by the residential property and curtilage of Ashridge to its north and flanked by the residential property named Pedlars to the immediate south of the application site. The M1 motorway is located to the rear of the application site. Opposite the application site on the western side of Pepsal End Road is the Harpers Fine Foods farm shop business.

For the purposes of planning, the application site is considered to be paddock/ greenfield land though land on the western edge of the application site has been recently used as temporary car parking. This temporary car parking, with no planning history, is not included within the proposed scheme for this planning application and is the subject of an ongoing Planning Enforcement investigation.

The vicinity of the application site has a rural character comprising of two storey detached and terraced dwellings surrounding a small village green which sits at the junction of Front Street, Half Moon Lane and Pepsal End Road. The application site is washed over by the South Bedfordshire Green Belt.

### **The Application:**

Full planning permission is sought for the erection of a production facility with the planning use classes B1(a) (offices) and B1(c) (light industry appropriate in a residential area) and located to the rear and in the north-eastern corner of the application site. This facility would be used in association with the commercial activities of the existing Harpers Fine Foods farm shop in Pepperstock.

The proposed production facility structure would be part single storey, part two storey with its two storey section facing due south-west towards the side of the application site bounded by Pepsal End Road. The structure's roof would have a dual pitched roof aspect with a short pitched section towards its front and a elongated pitched roof tapering towards its rear. The front elevation of the proposed production facility would feature a 4.6m high garage door heavy goods vehicle deliveries as well as high level lateral windows. French doors and full height glazed windows would be inserted into the north-western corner of the subject building. Four nos. obscure glazed windows (three at ground floor level, one at first floor level) as well as timber doors would be found in its northern side elevation. The exterior facing for the proposed production facility building would be comprised of cladding for its upper section and facing brickwork for its lower section towards ground level.

The proposed facility would feature a green sedum roof with PV solar panels located across the elongated rear sloping section of this roof. It would be comprised internally of stores and storage, a loading/ unloading bay, a reception, toilets, a kitchen and a bin store on its ground floor whilst its first floor would consist of offices with ancillary toilets and a kitchenette. The proposed production facility would have dimensions of approximately 5.4m in height up the roof eaves on its front elevation, 3m in height up to its roof eaves on its rear elevation, 6.3m in height up to its highest point along its roof ridge, 16.5m in width and 19.5m in depth. Altogether, the proposed production facility building would have 376m<sup>2</sup> of floorspace (a footprint of 322m<sup>2</sup> and usable first floor space of 54m<sup>2</sup>).

This production facility would be served by on-site parking provision comprising of 12 nos. employee parking spaces and an access driveway measuring 3.5m in width

along the section from the vehicular access from Pepsal End Road up to the shared access for the site's parking provision and vehicular access into the proposed production facility itself. The remaining section of the proposed vehicular driveway leading up to the proposed production facility would measure 5m in width.

As the Local Planning Authority, the Council's determination of this planning application must be made in accordance with the development/ local plan unless material considerations indicate otherwise as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended). This position is reinforced in paragraph 47 of the National Planning Policy Framework (NPPF) (revised July 2018).

Paragraph 12 of the NPPF explains that for all planning decision-making, the starting point should be the adopted development plan. Where a proposal is in conflict with the policies of the development/ local plan and said plan is not out-of-date then planning permission should normally be refused. If the Local Planning Authority wishes to deviate from the policies of the development plan then they can do so but the test as set out in paragraph 12 of the NPPF is, "*...only if material considerations in a particular case indicate that the plan should not be followed.*"

#### **RELEVANT POLICIES:**

##### **National Planning Policy Framework (NPPF) (July 2018)**

- 2: Achieving sustainable development
- 4: Decision-making
- 6: Building a strong, competitive economy
- 9: Promoting sustainable transport
- 12: Achieving well-designed places
- 13: Protecting Green Belt land
- 14: Meeting the challenge of climate/coastal change, flooding
- 15: Conserving and enhancing the natural environment

##### **South Bedfordshire Local Plan Review Policies (January 2004)**

- SD1: Sustainability Keynote Policy
- GB3: Green Belt Villages
- BE8: Design Considerations
- T10: Parking - New Development

*(Having regard to the National Planning Policy Framework, the age of the plan and the general consistency with the NPPF, policies SD1, BE8 and GB3 are still given significant weight. Policy T10 is afforded less weight).*

##### **Neighbourhood Plan for Caddington & Slip End 2016-2031 (including Pepperstock) (August 2018)**

- Policy Case10: Provision of New Commercial Floorspace

##### **Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached submission stage and was

submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

SP4: Development in the Green Belt  
T2: Highway Safety and Design  
T3: Parking  
EE1: Green Infrastructure  
EE2: Enhancing biodiversity  
EE3: Nature Conservation  
EE4: Trees, woodlands and hedgerows  
EE5: Landscape Character and Value  
CC3: Flood Risk Management  
CC5: Sustainable Drainage  
CC6: Water supply and sewerage infrastructure  
CC8: Pollution and land stability  
HQ1: High Quality Development  
EMP4: Rural and Visitor Economy

#### **Supplementary Planning Guidance/Other Documents:**

Planning Practice Guidance documents (Department for Communities and Local Government/ Ministry of Housing, Communities & Local Government)

- Determining a planning application
- Design
- Neighbourhood Planning
- Use of planning conditions

Central Bedfordshire Design Guide (March 2014)

- 1 - Place-making
- 2 - Green Infrastructure, Climate Change Adaptation & Sustainable Buildings
- 8 - Larger Footprint Buildings

#### **Relevant Planning History:**

Application Number      CB/18/02027/FULL

Description                      Erection of a production facility with associated office and parking.  
Decision                              Application Withdrawn  
Decision Date                      17/08/2018

**External Consultees:**

Slip End Parish Council -                      Dated 02/10/2018 (Verbatim)

The Parish Council have no objection to this Planning Application.

Bedfordshire Fire and Rescue Service -                      Dated 21/09/2018 (Summarised)

The Bedfordshire Fire and Rescue Service liaison officer has not objected to the proposal but has indicated relevant fire regulations which the proposal would need to comply with at the Building Regulation stage. The recommended provision of fire hydrants could be secured by a planning condition if this planning application was to be approved.

Highways England -                              Dated 24/09/2018

No objection.

Thames Water -                                      Dated 07/12/2018 (Summarised)

Thames Water have confirmed that the proposal does not require an agreement from this water authority as the proposed building would not be built within three metres of a public sewer or one metre of a lateral drain.

Affinity Water -                                      Consultation response expected to be received late December/ early January. Any comments received will be included on the Development Management committee late sheet.

Great Crested Newt consultant -                      Dated 26/11/2018 (Verbatim)

If the applicant has decided to not use the district licence scheme then I don't have any further comments to add.

**Internal Consultees:**

CBC Waste Services -                              Dated 28/09/2018 (Verbatim)

Thank you for sending this application for our consideration. However, as the premises are

going to be used for commercial purposes, we have no comments to make. The landlord/occupier will have to make their own commercial waste collection arrangements as this is not a service Central Bedfordshire Council provides.

CBC Economic Development - Dated 23/11/2018 (Summarised)

Supportive of the application as this is a business expansion and seems to be in a sensible location next to other existing businesses and road infrastructure is in place albeit on the Green Belt. It is also noted that 12 nos. jobs will be created as part of the proposal.

CBC Transport Strategy (Public Transport) - Dated 19/11/2018 (Summarised)

The nearest bus stop is on Half Moon Lane, Pepperstock. Bus services 231 and 232 can serve this stop but they are not frequent and services do not operate at peak times. There are more frequent service levels within Slip End which is a 700m walk from the application site; bus services 231 and 46 serve Slip End with buses coming from Hemel Hempstead, Dunstable and Luton.

CBC Sustainable Urban Drainage Systems (SuDS) Management and Flood Risk - Dated 27/09/2018 (Verbatim)

We consider that planning permission could be granted to the proposed development and the final design and maintenance arrangements for the surface water system agreed at the detailed design stage, if the following recommendations and planning conditions are secured.

We require a simple drainage strategy including; calculations to prove storage required, evidence that surface water from a 1 in 100 +40% rain fall event will be controlled on site, evidence that existing properties and infrastructure flood risk in not increased, reasoning for chosen system if it does not incorporate the SuDS management train, maintenance and management plan.

Hardstanding areas could be drained via filter strip and swale/rill to the storage/soakaway.

There are no calculations to verify storage requirement.

A full drainage drawing is required, this should

show; pipe numbers, inverts, control features, storage etc.

Where the use of permeable surfacing is proposed, this should be designed in accordance with the 'CIRIA RP992 The SuDS Manual Update: Paper RP992/28: Design Assessment Checklists for Permeable/Porous Pavement'.

The final detailed design including proposed standards of operation, construction, structural integrity and ongoing maintenance must be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).

Land drainage Consent under the Land Drainage Act 1991 must be secured to discharge surface water to an existing watercourse/ditch (even if it is piped), and details of this provided with the full detailed design. An easement should be provided on the developable side of the watercourse to allow for access for maintenance, this should be 9m but may depend on the maintenance requirements considered appropriate.

*N.B. conditions have been recommended which would be attached to any decision notice if planning permission is granted for the proposal.*

CBC Landscape -

Dated 28/09/2018

No landscape objection to principle of development of site;

The proposed inclusion of a green roof, arrays and rainwater harvesting are real positives.

If the application is to be progressed a substantial native treed shelter belt would be required along the full extent of the eastern and northern site boundaries to assist in mitigating development and reinforcing landscape / biodiversity connectivity.

A detailed landscape plan would be required by Condition along with detail on any external lighting if the application were to be approved.

CBC Sustainable Growth -

*N.B. The CBC Sustainable Growth officer has advised that comments made under the previously withdrawn planning application ref: CB/18/02027/FULL for the same proposal and within the same application site can be utilised for the current proposal which are set out as follows:*

Dated 27/07/2018 (Verbatim)

Inclusion of sustainability measures such as water harvesting, sedum roof and PV panels is welcomed and is supported.

CBC Trees & Landscaping -

Dated 07/11/2018 (Verbatim)

I refer to my previous consultation response, and the subsequent discussions regarding an appropriate condition for a "No-Dig" cellular confinement system, which should be worded as follows:-

*N.B. the recommended condition would be attached to a decision notice if planning permission is granted for the proposal.*

CBC Pollution/ Public Protection - Dated 11/09/2018 (Verbatim)

Thank you for consulting Public Protection on this application.

Notwithstanding the proposed site for this development is adjacent to the M1 and the location undoubtedly has relatively high background noise levels, there is no information on hours of use or methods of operation. There are, however, chillers, freezers and potentially an extraction system with no evidence of external plant on the plans.

Given the location, I do not have major concerns but would recommend that the hours of deliveries are restricted to daytime only along with the following conditions.

*N.B. conditions have been recommended which would be attached to any decision notice if planning permission is granted for the proposal.*

CBC Highways Development Management - Dated 29/10/2018 (Verbatim)

I refer to the above application for which you have

requested my comments and advise as follows:

The proposal is for the construction of a commercial building to be used in conjunction with the business associated with the neighbouring property (Harpers Food) on the opposite side of Pepsal End Lane. The building is to take access from an existing field access onto Pepsal End Lane. There is adequate inter visibility between the emerging traffic and that on Pepsal End Lane and there is adequate parking within the site. I am concerned as to the inter visibility from Pepsal End Lane and Front Street. While I am concerned as to the speed of the traffic along Front Street at the point of the junction with Pepsal End Lane.

I am conscious that the average speed of traffic along Pepsal End Lane fronting this access is no more than 30mph. It would also be fair to say that while the average speed along Front Street is in excess of the speed limit; the visibility splay should be in accordance with that speed.

I have had discussions with the applicant who is also the owner of the property identified in the blue and he has agreed to dedicate land and provide the appropriate visibility splay between Pepsal Lane and Front Street which could be dealt with by way of condition.

In a highway context I recommend that the following conditions be included if planning approval is to be issued:

N.B. conditions and informatives have been recommended which would be attached to any decision notice if planning permission is granted for the proposal.

CBC Ecology -

Dated 26/11/2018

Based on the ecological information provided in November 2018 the proposed enhancements to include a sedum roof and native screen planting would be appropriate in delivering net gains.

CBC Local Planning & Housing -

Dated 05/12/2018

Thank you for consulting the Local Plans team. We have considered this application and have the following observations:

This development is located in the Green Belt. As set out in the adopted South Bedfordshire Local Plan policy GB1, planning permission will not be given, except in very special circumstances.

Policy SP4 of the emerging Local Plan states there is a general presumption against inappropriate development in the Green Belt. Policy EMP4 states that development for employment generating uses will normally be supported where the site is not in the Green Belt.

Therefore the principle of development at this location is not supported.

We have noted the very special circumstances the applicant has stated. However it is not clear whether an alternative more appropriate site outside the Green Belt has been considered.

#### **Other Representations:**

Neighbours -

Three nos. set of objections, received 13/09 and 14/09, from the occupiers of neighbouring properties which are summarised as follows:

- The proposal is in the Green Belt; if a residential extension for a nearby dwelling struggled to get planning permission why should the proposed production facility be approved?
- The proposed production facility building is not in keeping with current environment and along with its height means it would be an 'eyesore'.
- The proposal does not respect the privacy or amenity of adjacent properties.
- The proposal would impinge upon a right of way for an adjacent dwelling.
- The proposal will appear completely out of character for the local area and would be visible when crossing the motorway due its scale and its location in an open field.
- No visual shielding of proposal from residential properties to its south.
- The intrusion of the proposed development on the right of way of an adjacent property will affect this property's privacy.
- No nature conservation consideration has been given for existing wildlife such as deer and rabbits.
- No mention is made in the proposal about

how rat vermin which might be attracted to the proposed production facility and how this will be controlled.

- No consideration has been given to sewerage works and disposal.
- Access road will result in noise and vibration issues for adjacent dwellings.
- No consideration given to how light pollution from the proposed production facility will be dealt with.
- How will surface water run-off from the proposed production facility be managed?
- There does not appear to be any controls over the noise generated by the food processing and freezer storage in the production facility.
- How will odours from the proposed production facility be controlled as this site handles food produce?
- There are an insufficient number of parking spaces to accommodate employees as well as visitors like maintenance staff. This would be exacerbated by existing inadequate parking and overflow for existing Harper's fine foods workshop.
- The proposed vehicular access is not wide enough to accommodate a fire engine.
- Site entrance for the production facility would conflict with delivery drop-offs for Harper's farm shop.
- The proposed construction of the production facility will affect local air quality, noise, traffic and ultimately the market value of the surrounding area.
- The proposed facility will benefit the applicant financially but not local residents.

### **Determining Issues:**

The main considerations of the application are:

1. Principle of Development and its Impact on the Openness of the South Bedfordshire Green Belt
  - A) Green Belt Policy
  - B) Very Special Circumstance Nos. 1 & 2 - Local job creation, local training opportunities and contributions to the local economy
  - C) Very Special Circumstance No. 3 - Strategic consolidation of Harpers Fine Foods farm business activities into one area
  - D) Very Special Circumstance No. 4 - Relevant case law
  - E) Overall Assessment of Very Special Circumstances
2. Effect on the Character and Appearance of the Area

3. Neighbouring Amenity Considerations
4. Highway Considerations
5. Other Considerations

**Considerations:**

**1. Principle of Development and Its Impact on the Openness of the Green Belt**

**A) Green Belt Policy**

- 1.1 The comments raised by an objecting neighbour regarding the impact that the proposal would have on the planning status and potential for future development in the Green Belt are noted. The application site is washed over by the Green Belt by its designation under policy GB1 and as shown on the proposals map for the South Bedfordshire Local Plan Review. As such, Green Belt policies apply in full to the proposal.
- 1.2 The Council's Local Planning Policy team have indicated that the application site falls within the southern part of land parcel SE1 in the Stage 1 Green Belt Assessment (dated July 2017 - a desktop assessment to support the preparation and evidence base for the emerging Central Bedfordshire Local Plan). The southern section of parcel SE1 was identified as making a 'moderate contribution' to purposes 1 and 3 of paragraph 134 of the NPPF and a 'relatively weak contribution' to purposes 2 and 4 of paragraph 134 of the NPPF. Sections of land parcels which were deemed to make an overall less than 'relatively weak contribution' to the purposes of the Green Belt were carried forward into the Stage 2 Green Belt Assessment to further appraise whether identified land could be allocated for release from Green Belt designation. As the land which covers the application site was not taken forward to Stage 2, the application site has more recently been considered to be higher quality Green Belt land that makes a important contribution to the status of the Green Belt.
- 1.3 Section 13, 'Protecting the Green Belt' of the National Planning Policy Framework (NPPF) explains that Green Belts assist in "... *safeguarding the countryside from encroachment*" as well as *"to assist in urban regeneration, by encouraging the recycling of derelict and other urban land"*.
- 1.4 Paragraph 143 in Section 13 of the NPPF explains that, *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*
- 1.5 Furthermore, paragraph 144 of the NPPF elaborates that, *"... local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."*
- 1.6 Paragraph 145 of the NPPF sets out the types of buildings that can be constructed which are not considered to be inappropriate in the Green Belt. The

proposal for a production facility with associated on-site parking and an access road would not fall within any of these exempted forms of building from inappropriate development.

- 1.7 Consequently, convincing very special circumstances need to be presented for the proposal in order to outweigh the identified cumulative harm with the proposal (which includes the Green Belt impact and other harmful aspects) and so establish the principle of the proposed development.
- 1.8 There is no statutory definition for what constitutes as a 'very special circumstance' but it has been derived from planning case law that for a circumstance to justify inappropriate development, the circumstance cannot merely be unusual or exceptional but must meet the much stronger test of 'very special' or a circumstance which is substantial and wholly unique to the proposal so that it could not be argued for any other proposal. If a very special circumstance is deemed to not exude such qualities, then accepting such a circumstance would diminish the 'specialness' of the presented 'very special circumstance' and if argued for other proposals within a Green Belt would erode and undermine the principles of this protected area due to cumulative harm to the Green Belt.
- 1.9 A number of very special circumstances have been put forward in this application's supporting statement by DLA Planning (dated September 2018) to justify the proposed development and outweigh the identified Green Belt harm and any other harm resulting from the proposal. These are presented as:
  1. *job creation and the growth of a valuable local and highly skilled employer contributing to the rural economy.*
  2. *training local specialists through apprenticeship schemes.*
  3. *consolidation of company onto one site within Central Bedfordshire.*
  4. *as determined in Herba Foods Ltd v Secretary of State for Communities and Local Government and South Cambridgeshire DC [2008], the expansion of an existing business in the Green Belt can be considered a very special circumstance.*

**B) Very Special Circumstances 1 & 2 - Local job creation, local training opportunities and contributions to the local economy**

- 1.10 Paragraph 80 of the NPPF explains that planning decisions, "*... should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*" Furthermore, paragraph 82 states that, "*Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for... storage and distribution operations at a variety of scales and in suitably accessible locations.*"
- 1.11 One of the criteria under paragraph 83 of the NPPF is that planning decisions should allow, "*... the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.*"

Policy Case 10 of the adopted Caddington & Slip End Neighbourhood Plan (which includes Pepperstock) explains that the provision of new B-class commercial

- floorspace shall only be considered acceptable if it would meet the criteria of being on previously developed land and not have a greater impact on the openness of the Green Belt, there being a demonstrable need for such a facility identified through up-to-date evidence, there are no alternative sites within the Caddington and Slip End settlement areas and it can be demonstrated that it is not possible to intensify the use within the existing site.
- 1.12

Policy EMP4 'Rural and Visitor Economy' of the emerging Central Bedfordshire Local Plan indicates that proposals for development which contribute to greater employment within rural areas may be granted in a Green Belt location only if "*... exceptional circumstances are identified and where the need for the proposal outweighs any demonstrable harm to the Green Belt.*"

- 1.13 The application's supporting statement indicates that the proposal would increase the number of apprenticeships for the Harpers Foods business from 3 nos. to 5 nos and the proposal would employ an additional 12 people thereby increasing the efficiency and profitability of the Harpers Food business.

- The applicant's agent has confirmed via correspondence that the new production workers for the proposed production facility would supplement those employees of the existing farm shop in Pepperstock. It has also been argued that the close proximity of the proposed production facility to the farm shop would provide opportunities for joint working and a shared workforce between those individuals employed in the proposed production facility, in the retail section and admin team of the fine foods business due to expanded office space.
- 1.14

- As indicated by national planning policy, planning decision-making should play a role in facilitating development which is conducive to higher employment rates and greater economical prosperity. The indicated increased business capacity for the Harpers Fine Foods and opportunities for employing additional workers including apprentices are acknowledged as being potential benefits of the proposal.
- 1.15

- However, it is considered that the positive outcomes which may result from the implementation and operation of the proposed production facility would not be sufficiently strong to amount to a very special circumstance. Such benefits could be reasonably replicated from the occupation of an existing/ proposed production/ industrial/ storage unit or the expansion of such a unit on a site that is not the one indicated on site location plan. A detailed business plan has also not be presented with this planning application to rigorously explain why the proposed production facility is required to employ additional staff members and not in existing premises for the Harpers Food farm shop to demonstrate that the Harpers Food farm shop has reached a critical capacity for the business' and its employees' future prosperity.
- 1.16

- Combined with the estimated overall limited number of additional employees and apprentices to be created as a result of the proposed production facility, it is felt that the employment and training opportunities which would be presented by the proposed production facility would not amount to a 'very special circumstance' in support of the proposal to overcome the proposal's inappropriateness by way of its location in the Green Belt. The proposal would hence not meet the criteria in policy case 10 of the Caddington & Slip End Neighbourhood Plan and policy EMP4 of the emerging Central Bedfordshire Local Plan.
- 1.17

**C) Very Special Circumstance 3 - Strategic consolidation of Harpers Fine Foods farm business activities into one area**

1.18 Paragraph 103 of the NPPF states that, *"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."*

1.19 The applicant's agent in correspondence has explained that a search for suitable sites for the proposal have been conducted but the selection of potential brownfield sites available for development was constrained by the high cost and competition for such sites from other competing land holders and developers notably for house building.

1.20 It was also explained that locating the production facility further away from the main business premises at the farm shop along Pepsal End Road would be less compatible with the growth strategy for the Harpers' fine foods business to consolidate its commercial activities within a single area. It is argued that re-locate all of its expanded office and production/ storage activities away from Pepperstock would place an excessive burden on the business.

1.21 A further argument offered in support of the production facility being erected within the application site was that its products processed would be sold to customers in the farm shop opposite. The proposed production facility would also be adjacent to the M1 motorway and within a 3 mile drive of Luton train station providing ease of access to potential customers as well as the supply of goods to store and process in the production facility and to make the goods prepared and sold in the existing Harpers Food farm shop. The applicant's agent has also confirmed that as of August 2018, 25 out of the 45 existing employees for the Harpers Food business were deemed to live locally more specifically in Pepperstock, Markyate, Slip End and Caddington. The remaining employees are purported to live within 5 to 10 miles of the existing farm shop along Pepsal End Road.

1.22 On the basis of the need for the production facility, the applicant's agent has also explained that the Harpers Food business was growing and a new production facility to replace its existing facilities would support the business' future economic development.

1.23 When the above presented very special circumstance is appraised and notwithstanding the proposal's inappropriate location in the Green Belt, it is deemed that sites within the Dunstable and Houghton Regis conurbations which can more readily accommodate the proposed production facility due to compatible allocated sites and be set within a urban context would still be readily assessable due to their proximity to the M1 motorway and public transport links facilitated by the Luton-Dunstable busway. The location of the proposed production facility within Houghton Regis and Dunstable would conform to the distribution and location of built development desired in policy SD1 of the South Bedfordshire Local Plan Review to

encourage development which is more sustainable in the economic, social and environmental senses. A detailed case presenting the site location selection rationale and the financial viability of conducting the activities of the proposed production facility on other sites or premises has not been presented with this application to support the arguments presented.

As such, this presented 'very special circumstance' does not amount to such by the Local Planning Authority to support the principle of the proposed production facility and would not meet the criteria set out in policy SD1 of the South Bedfordshire Local Plan Review.

#### **D) Very Special Circumstance 4 - Relevant case law**

- 1.25 In the proposal's accompanying planning statement, attention is drawn to applicable planning case law specifically a high court judgement issued in the case of *Herba Foods Ltd v Secretary of State for Communities and Local Government and South Cambridgeshire DC [2008]*.
- 1.26 In this case, very special circumstances for the proposed factory extension (in the Green Belt) to an existing factory (not in the Green Belt) on a site in Fulbourne, Cambridge were argued to be that:
  - the proposed extension would be smaller than the original mill building within the application site and when read alongside this existing building on previously developed land, "... *would not have material impact on wider landscape and would not be prominent in longer views*" to justify the refusal of the proposal on this basis.
  - The proposed extension to store milling products would increase the efficiency of the factory's commercial activities by freeing additional capacity and a proposed extension for storage would be more environmentally friendly by reducing reliance on off-site storage thereby reducing potential levels of emissions from delivery vehicles.
  - The proposed extension would make use of previously developed land within the application site (which included both designated Green Belt land and non-Green Belt land) thereby furthering secure the function of the factory with additional resources and energy.
- 1.27 This application's supporting planning statement summarises what is deemed to be the critical factor in the high court judgement's to quash the planning inspector's appeal decision: "*The Court determined that the approach of looking for an unusual or rare factor was erroneous. The words 'very special' were not to be treated as the converse of 'commonplace.'*" This planning law case is then argued in the supporting planning statement to support the case for the proposed production facility as, "*The existing (Harpers fine foods) business needs to expand in order to develop and thrive and the courts have established that this could be considered a very special circumstance*".
- 1.28 Consistency should be achieved in planning decision-making to provide greater certainty in the decision-making process for applicants and local planning authorities as well as to secure public and private party confidence in the activities of the planning system. It is acknowledged that some similarities can be drawn between the proposal quoted in the presented case law and the proposed production facility for this application as both proposals' application sites fall within the Green Belt, they

would help to serve the functions of existing businesses and have both been argued to increase the economic performance and long-term viability of said businesses.

- 1.29 However, the proposed production facility differs from the proposal from the quoted case law as it is not an extension to an existing industrial building and the proposed production facility would be constructed on greenfield land. Moreover, the two proposals should not be readily compared like-for-like as each falls within different local settings with differing natural landscape features, built development characteristics and local planning policy contexts meaning they each need to be assessed on their own merits. Combined with the age of the quoted planning case judgement originating from 2008, the quoted case law example does not set a strong precedent which the Local Planning Authority's determination of this planning application would need to be consistent with and is not deemed to constitute as a 'very special circumstance' to justify the proposal and help outweigh the overall harm of the proposal.

### **E) Overall Assessment of Very Special Circumstances**

- 1.30 Having assessed all of the very special circumstances put forward with this planning application to justify the proposal despite its inappropriateness in the Green Belt, it is deemed that these circumstances would not be considered 'very special' and are not considered to outweigh the Green Belt harm and any other harm resulting from the proposal.
- 1.31 Given the proposed development's Green Belt location, significant weight is given to its harm by way of inappropriateness. The proposal would fail to preserve the openness of the Green Belt by way of its bulk, scale and incongruous character within the rural countryside setting of Pepperstock which does not currently host industrial premises. The proposal would hence be contrary to the principles of the Green Belt as set out in paragraph 143 of the NPPF.
- 1.32 Because no very special circumstances have been established, the proposal would not conform to the statements contained in paragraph 145 of the NPPF and would be contrary to section 13 of the NPPF, policy SD1 by failing to meet the criteria in bulletpoint v) as the proposal is not acceptable in Green Belt policy and policy SP4 of the emerging Central Bedfordshire Local Plan meaning that the principle of proposed development is not considered to be acceptable.

## **2. Effect on the Character and Appearance of the Local Area**

- 2.1 The comments from an occupier of a neighbouring property in relation to the negative visual impact of the proposal within the local area are acknowledged. Paragraph 127 of the NPPF explains that development proposals should ensure that they, amongst other things: add to the quality of the area, are visually attractive, are sympathetic to local character and landscape setting, establish a sense of place, optimise the potential of the site in question and create developed places that are safe and inclusive.
- 2.2 Policy BE8 of the South Bedfordshire Local Plan Review explains that development should: take into account and opportunities sought to reinforce the local area's character and distinctiveness; its size, scale, density, massing, orientation, materials and overall appearance; the setting of development should

be considered which includes resistance to intrusion into exposed skylines, and; forms of hard and soft landscaping should be considered to allow development to integrate into its surroundings. The themes raised in this policy are similar to those contained within the text of policy HQ1 'High Quality Development' of the emerging Central Bedfordshire Local Plan.

- 2.3 Section 6 of the Central Bedfordshire Design Guide 2014, 'Larger Footprint Buildings', sets out design guidance for buildings types including warehouses and industrial buildings.
- 2.4 The Council's Landscape officer has not objected to the proposal on landscape grounds subject to a detailed landscaping plan being submitted and approved which could be facilitated by a pre-commencement condition attached to a decision notice granting planning permission for the proposal.
- 2.5 The Council's Sustainable Growth officer's comments on the proposal submitted as part of planning application CB/18/02027/FULL (which is for the same scope and character of development as now proposed as part of this planning application) indicated support for the proposed use of sedum roof with solar PV panels inserted for the proposed production facility and water harvesting elements.
- 2.6 The comments of the Council's Landscaping and Sustainable Growth officers are acknowledged. It is also noted that the proposal has been designed in an effort to minimise its visual impact on the local landscape by way of the pitched roof of the proposed production facility, the use of a green sedum roof and external cladding.
- 2.7 However, CBC planning officers are of the opinion that the proposed production facility, which would stand at 6.3m in height at its highest point, would appear prominent and obtrusive amongst existing built development including nearby residential dwellings. The proposal would significantly reduce the open and green character of the application site which would degrade its rural aesthetic as well as undermine the principles of keeping sites within the Green Belt free from inappropriate development.
- 2.8 The proposal, when viewed from the public realm on Pepsal End Road and Front Street, would appear out-of-keeping with its rural surroundings and result in significant urbanisation of the application site to the detriment of the under-developed character of the application site. The proposal would also appear very pronounced when viewed by the road users of the adjacent M1 motorway and the flyover over the M1 motorway leading onto Front Street. Due to the scale of the proposed production facility, it is unlikely that a landscaping scheme would be able to fully mitigate the visual impact of the proposal from these adjacent areas.
- 2.9 Having made the above assessment, it is considered that the proposal, by way of the proposed production facility building's height, bulk and massing and its associated works including on-site parking, would have a significant adverse impact on the visual amenities of the local area and would not harmonise with existing local landscaping and built development features. Consequently, the proposal would be contrary to policies BE8 of the South Bedfordshire Local Plan

Review, policy HQ1 of the emerging Central Bedfordshire Local Plan and section 12 of the NPPF which seek promote forms of development which are designed so as to respect and effectively integrate with their local contexts' visual landscaping and predominant uses.

### **3. Neighbouring Amenity Considerations**

- 3.1 The proposed production facility would be located around 76m from the dwelling at the adjacent site Ashridge located to the north-west of the application and there would be an 80m gap between the proposed facility and the dwelling named Pedlars to its south-west. Because of these separation gaps, the proposed production facility would not occlude notional vertical 45 degree eyelines taken from the nearest first floor windows for these neighbouring dwellings. In this sense, the proposal would not be described as appearing significantly overbearing to these neighbours.
- 3.2 When notional horizontal 45 degree eyelines are taken from these same windows for neighbouring residential properties, 14 degrees of occlusion would occur when the proposal is viewed from the dwelling at Ashridge whilst 14 degrees of visual occlusion would be observed from the rear elevation window and 10 degrees of visual occlusion from the nearest first window on the northern side elevation of the dwelling at Pedlars. From this assessment, the proposed production would have a modest impact on the outlook of these adjacent properties by restricting their views over adjacent green and undeveloped land within the application site currently enjoyed from their first floor windows.
- 3.3 The first floor windows to be inserted into the first floor front elevation of the proposed production facility would be at around the same height as the first floor windows at the dwellings at Ashridge and Pedlars but due to the notable clearance between these sets of windows at these neighbouring properties and the production facility, the proposal would not be considered to have a detrimental impact on neighbouring privacy.
- 3.4 The proposal would introduce a commercial activity on pasture land adjacent to 11 Pepsal End Road/ Pedlars. The disturbance from that activity would have a harmfully negative impact on the amenity currently enjoyed by the occupiers of neighbouring dwellings and so would not be in full conformity with the residential amenity aspects of good design set out in policy BE8 of the South Bedfordshire Local Plan, policy HQ1 of the emerging Central Bedfordshire Local Plan and section 12 of the NPPF.

### **4. Highways Considerations**

- 4.1 The CBC Highways Development Management officer has indicated that the proposal would be acceptable from a highways perspective subject to the inclusion of recommended conditions on any decision notice granting planning permission for the proposal.
- 4.2 To address some of the concerns raised by an objecting neighbour about the noise and debris which could be generated by the construction and implementation of the proposed production facility if permitted, the CBC Highways Development Management officer has recommended conditions

requiring the submission and approval of details for the materials to be used in the vehicular hardstanding serving the application site and a construction management plan. These conditions would ensure that vehicular hardstanding materials are not discharged into the public highway to adversely affect highway user safety and to control parking and construction arrangements so as to not inconvenience adjacent properties due to unsociable working hours, etc. Any other concerns relating to noise and air pollution from the proposal if approved would be controlled by Environmental Health legislation.

- 4.3 The proposed on-site parking would provide one parking space for each of the 12 nos. employees which are proposed to work at the proposed production facility. Subject to compliance with the recommended highways conditions, the proposed site entrance onto Pepsal End Road, the access driveway leading up to the proposed production facility and the larger garage door on the front elevation of the facility itself would be able to accommodate deliveries by heavy goods vehicle.
- 4.4 The Council's Public Transport officer has commented that the application site would be poorly served by public transport. In this sense, it would not be particularly convenient or reasonable for visitors to the application site to utilise public transport meaning that visitors and employees would most likely rely upon private transport. However, the same is true for customers and visitors of the nearby Harpers Food farm shop and the occupiers of nearby residential dwellings meaning that the proposal would not result in significantly unsustainable patterns of travel within Pepperstock.
- 4.5 The liaison officer from Bedfordshire Fire & Rescue service has not objected to the proposal including the proposed turning areas or vehicular site access but if the application was approved then the applicant's attention is drawn to the need for appliances such as fire sprinklers and hydrants to comply with the appropriate Building Regulations.
- 4.6 Notwithstanding the principle of development not being established in the first section of the Considerations for this report and subject to appropriate conditions, the proposal would comply with relevant highways policies including policy T10 of the South Bedfordshire Local Plan, policies T2 & T3 of the emerging Central Bedfordshire Local Plan and section 9 of the NPPF.

## **5. Other Considerations**

### **Sustainable Urban Drainage/ Flooding:**

- 5.1 The comments of the consulted CBC Sustainable Urban Drainage & Flood Management team are noted. No in principle objection has been offered to the proposal but has requested that if the proposal was granted planning permission then conditions would need to be attached to any approval decision to ensure details are submitted to demonstrate that the proposal is flood resistant and resilient, incorporates sustainable drainage systems and residual or actual flood risk from the proposal can be safely controlled in line with the statements contained in Paragraph 163 of the NPPF.

**Trees & Soft Landscaping:**

- 5.2 The concerns raised by the CBC Trees and Landscaping officer regarding the welfare of existing trees in close proximity to the proposed development. The agent has indicated that a no-dig construction method root protection method, controlled by a planning condition, could be utilised to protect the welfare of potentially affected trees and provide a means of visual screening of the proposed production facility.

**Ecology and Protected Species:**

- 5.3 An ecology report with an accompanying supervised destruction search of potential habitats has been submitted for this planning application. These reports identified no significant impact on local wildlife and no protected species were identified within the site. As such, the CBC Ecologist felt that the proposal would achieve a net increase in the biodiversity of the application as sought by the statements in section 15 of the NPPF.
- 5.4 The Council's appointed Great Crested Newt consultant was also invited to provide comments on the proposal. The application site has been identified as having a high probability of being habitat for Great Crested Newts, a protected species under UK and EU law. The applicant's attention has been drawn towards the Great Crested Newt district licensing scheme operated by Nature Space to provide appropriate mitigation if Great Crested Newts were discovered during the implementation of the proposed development if permitted.

**Rights of Way:**

- 5.5 An objecting neighbour has raised concerns about how the proposed development would compromise an existing right of way which runs through the application site. Such comments were forwarded onto the applicant's agent for their attention who stated that there was no knowledge of a right of way running through the application site. There are no public Rights of Way which run through the application site. Any issues relating to private access of the application site by neighbouring properties are not planning matters and are civil matters which could be addressed through legal means by the aggravated parties.

**Sewage, Waste and Potential Pest Management:**

- 5.6 The comments of an adjacent neighbour regarding the potential for the proposed production facility to lead to an increase and overburdening of waste from the application site have been noted. The CBC pollution officer has not objected to the proposal subject to the imposition of appropriate conditions were the proposal to be granted planning permission meaning that the potential negative outputs of the proposed production facility could be sufficiently prevented or mitigated to not cause harm to the wellbeing of general public or the surrounding area.

- 5.7 Thames Water have commented that as the proposed production facility is not located within three metres of a public sewer or one metre of a lateral drain, they would not need to be consulted further on the proposal.

**Noise and Air Pollution:**

- 5.8 The internal CBC pollution/ public protection officer has not objected to the proposal subject to the imposition of appropriate conditions were the proposal to be granted planning permission. The potential negative outputs of the proposed production facility could be sufficiently prevented or mitigated to not cause harm to the wellbeing of general public or surrounding area in line with section 15 of the NPPF.

**Impact on Property Prices:**

- 5.9 The occupier of an adjacent property has also remarked how the proposed production facility may devalue their property. The impact of development on property prices is not a planning matter meaning that this comment holds little weight in the determination of this planning application.

**Human Rights and Equality Act issues:**

- 5.10 Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

**Conclusion:**

The proposal, for a production facility with planning uses B1(a) and B1(c) with associated offices and on-site parking, is located within the South Bedfordshire Green Belt and the proposal would constitute inappropriate development by not being a form of development which is exempt from Green Belt control under paragraph 145 of the National Planning Policy Framework (NPPF). Inappropriate development is harmful to the Green Belt and so substantial weight should be attached to the proposal's harm to the openness and purposes of the Green Belt as set out in paragraph 134 of the NPPF. Very special circumstances have been presented with the proposal to outweigh the potential harm of the proposal to the Green Belt by reason of its inappropriateness and all other identified harm. Very special circumstances are considered to not have been demonstrated to outweigh the potential harm of the proposal. Consequently, the principle of development has not been established and the proposal should be refused planning permission.

The proposal would also, by way of its location, bulk, massing and scale, have a significant, adverse impact on the visual amenity and character of the local area when viewed from the public realm and would not be in-keeping with its rural surroundings comprising of green fields, low density residential development and the Harpers Food farm shop set within a wooded valley landscape. The proposal would have a detrimental impact on the residential amenity of adjacent occupiers given the increased activity and its siting.

The proposal is considered to be acceptable in highway terms and in all other respects subject to the imposition of conditions and informatives to control the implementation and control for the proposal were it to be granted planning permission. Nonetheless, the Green Belt harm of the proposal, by way of its inappropriateness as well as its identified negative impact on local visual and residential amenity, is considered to demonstrably outweigh any of the assessed positive attributes or contributions that the proposal may bring. As such, the proposal is recommended for refusal as it would not comply with the statements contained in sections 12 & 13 of the NPPF, policies SD1 & BE8 of the South Bedfordshire Local Plan Review, policy case 10 of the Caddington and Slip End Neighbourhood Plan and policies SP4 & EMP4 of the emerging Central Bedfordshire Local Plan.

**Recommendation:**

That Planning Permission be **REFUSED** for the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 The development would result in harm to the openness of the Green Belt, and would have an adverse impact on the setting of the site and the character of the area. The proposal is inappropriate development within the Green Belt and would be harmful by reason of inappropriateness and loss of openness and would conflict with the purposes of including land within the Green Belt by way of encroachment of the countryside. Very special circumstances that would outweigh the identified harm have not been established in this case. The proposal is hence deemed to be contrary to Section 13 of the National Planning Policy Framework.
- 2 The proposal, by reason of its siting, excessive scale and bulk and its introduction of commercial activity would cause significant and demonstrable harm to the character and appearance of the area and result in undue noise and disturbance, harmful to the residential amenity which neighbouring occupiers would reasonably expect to enjoy. As such, the proposal would be contrary to policy BE8 of the South Bedfordshire Local Plan Review and sections 12 & 15 of the NPPF.

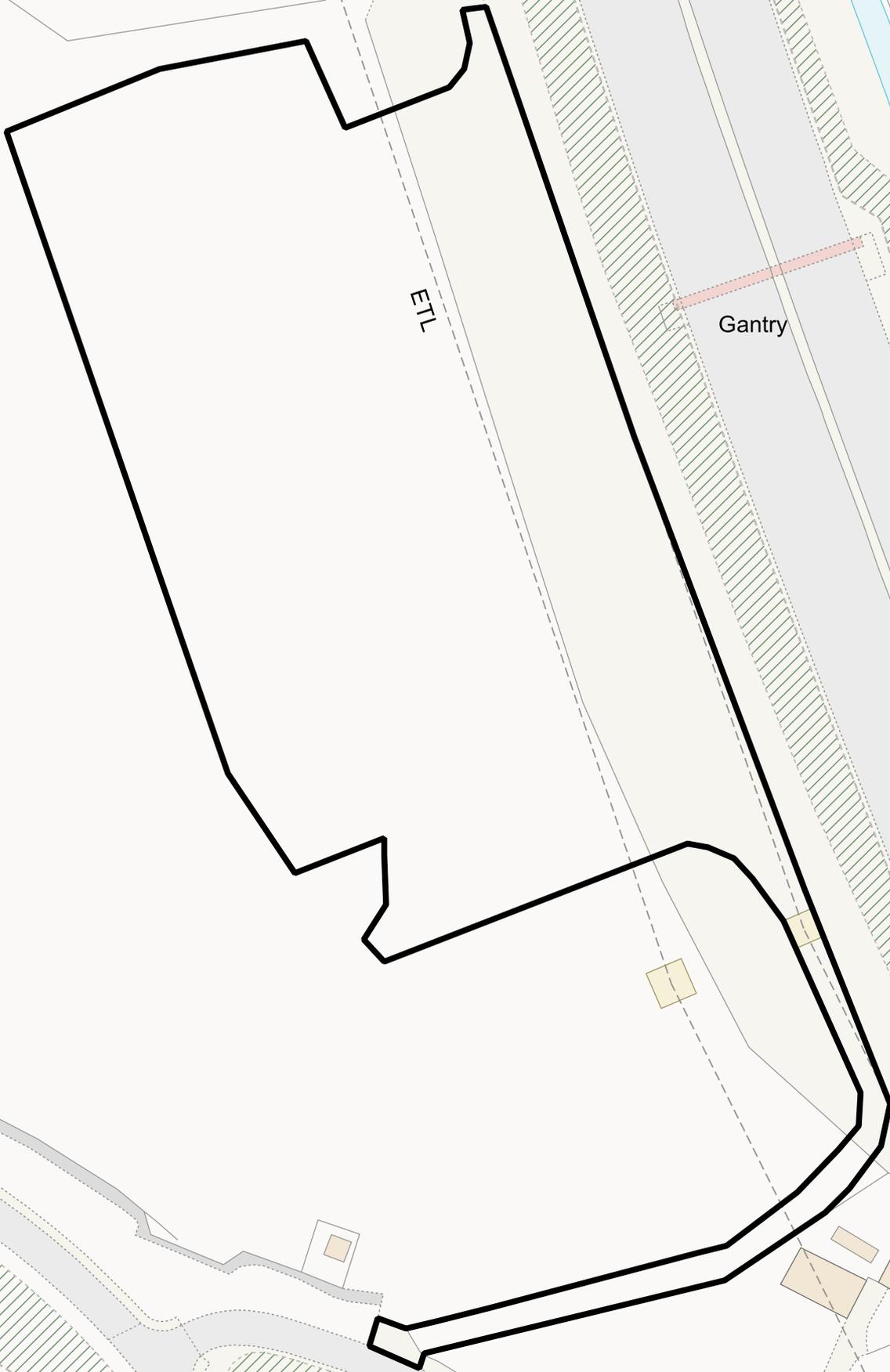
**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

In the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

.....  
.....

This page is intentionally left blank



1:1,250

Date Created  
17-12-2018

Application No.  
CB/18/01795/FULL

Chapel Farm, Luton Road, Chalton,  
Luton, LU4 9UJ

Crown Copyright and database  
right. 2018  
Ordnance Survey 100049029  
Central Bedfordshire Council.

Cities Revealed Aerial  
photography copyright  
The GeoInformation Group 2017



This page is intentionally left blank

**Item No. 10**

<b>APPLICATION NUMBER</b>	<b>CB/18/01795/FULL</b>
<b>LOCATION</b>	<b>Chapel Farm, Luton Road, Chalton, Luton, LU4 9UJ</b>
<b>PROPOSAL</b>	<b>Proposed energy storage facility to provide energy balancing services to the National Grid</b>
<b>PARISH</b>	<b>Chalton</b>
<b>WARD</b>	<b>Toddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Costin &amp; Nicols</b>
<b>CASE OFFICER</b>	<b>Judy Martin</b>
<b>DATE REGISTERED</b>	<b>08 May 2018</b>
<b>EXPIRY DATE</b>	<b>07 August 2018</b>
<b>APPLICANT</b>	<b>Harmony Energy Storage</b>
<b>AGENT</b>	<b>PWA Planning</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>It is a major application and the Parish Council have raised an objection.</b>
	<b>Recommended for Approval</b>

**Summary of recommendation:**

Battery energy storage systems are subject to locational constraints; the most important of which is the distance of the system from the connection to available capacity on the national grid.

In reference to renewable energy projects, Section 13 of the NPPF (para 147) states that very special circumstances may include the wider environmental benefits associated with increased benefits from renewable energy sources. The application puts forward a case for very special circumstances, which predominantly involves the benefits that the proposal would have in terms of facilitating renewable and low carbon technology and contributing to network resilience and energy security.

It is considered that substantial weight should be given to these factors, having regard to the local and national planning and energy policy support for projects that would contribute towards carbon reduction, network resilience and energy security.

**Site Location:**

The site is located on land to the east of Chapel Farm off Luton Road, Chalton. It currently comprises a field used for agricultural purposes and is in the Green Belt. The site is located directly adjacent to the M1 motorway. Access to the site would be taken from the existing access track which leads to the motorway drainage lagoon which lies immediately to the north of the site.

It is noted that the emerging plan allocates land to the west of the site (3.18ha) for new housing (NLP435: approximately 40 dwellings).

**The Application:**

It is proposed to develop an energy storage facility on the site which would comprise 77 no. banks of energy storage units, 20 no. transformers and a portable relay room /metering point. The development footprint is approximately 1.06ha and would be surrounded by a 2.4m palisade perimeter fence.

The batteries would be charged solely from renewable energy sources (predominantly wind and solar energy). The applicant has a Power Purchase Agreement with a major renewables provider to ensure that the electricity stored would be solely from renewable sources.

During the application revised plans were received. Arrangements for the 132/33kV transformer to be relocated to the nearby substation have been made by the applicant, rather than being incorporated into the proposed development. At 6.8m, the 132/33kV transformer was the highest portion of the proposals which means that the tallest element on site will now be the single relay room (4m).

During the determination of the application the applicant met with the Chalton Parish Council (10/10/18) to discuss the proposals and to respond to their concerns.

It is noted that the National Grid website is currently advertising that the Sundon Substation (400kv) has a high generation capacity of 11070 MW and a 'high' demand capacity of 720 MW /demand headroom of 175MW (ie a considerable potential for connection for Solar, wind, battery storage and other generation). Leighton Buzzard would appear to be the only other substation with capacity in Central Bedfordshire, however their generation and demand potential is currently advertised as being 'Low'.

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF) (July 2018)**

**South Bedfordshire Local Plan Review Policies (2004)**

Certain policies of the South Bedfordshire Local Plan (2004) were saved by the Secretary of State on 28th September 2007 and continue to be part of the development plan until the Council adopts a new Local Plan. There are however no policies in relation to energy production, general Green Belt developments, development outside of settlement areas that have been saved.

**Central Bedfordshire Local Plan – Emerging**

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018. The National Planning Policy Framework (paragraph 216) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise. The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

Policy SP4: Development in the Green Belt  
 Policy CC2: Sustainable Energy Development  
 Policy HQ1: High Quality Development

**Supplementary Planning Guidance/Other Documents**

1. Central Bedfordshire Design Guide (March 2014)

**Relevant Planning History:**

<b>Case Reference</b>	<b>CB/17/00835/PAPC</b>
Location	Chapel Farm, Luton Road, Chalton, Luton, LU4 9UJ
Proposal	Pre-Application Advice re: Proposed Energy Storage Facility
Decision	<p>Pre-App Charging Fee Advice Released which advised the following:</p> <p><i>Whilst the principle of the development might constitute 'very special circumstances' this can only really be assessed on the receipt of full plans. If 'very special circumstances' exist (which you will need to demonstrate) it is my opinion that the Council would be generally supportive of the application subject to further dialogue with the Highways Development Management Team.</i></p> <p><i>From a Highway Safety perspective, the submission does not detail the degree of traffic expected throughout the construction period or through its life or even how long the life expectancy of this plant is. In addition, it is not clear from the submitted details if the access will be by way of an existing track as its access to the public highway is not shown within the red line. However, if the point of access from the public highway is via the newly constructed junction with the B579 then in highway terms the Highways Officer would not object to this point of access.</i></p> <p><i>While at this point we are unable to confirm if a full Transport Assessment is required or just a Transport Statement if you can provide the above information the Highways Officer is happy to discuss this matter further with you.</i></p>
Decision Date	30/03/2017

**Other applications of note:**

<b>Case Reference</b>	<b>CB/18/03461/FULL</b>
Location	Electricity Sub Station Control Centre, Luton Road, Chalton, Luton, LU4 9UJ
Proposal	Development of the site for a gas powered electricity generator and related infrastructure.
Decision	Pending

<b>Case Reference</b>	<b>CB/18/04055/FULL</b>
Location	Land West of Luton Road and South of Fancott
Proposal	The installation of three gas-fuelled generators with radiator arrays, a DNO Building, HV Building, Transformers, Gas Kiosk, Client Building, CCTV cameras on 4m posts, Clean/Waste Oil Tank, and associated infrastructure for the generation of electricity during times of peak demand.
Decision	Pending

**Consultees:**  
Parish Council

Summary of response from the PC (dated 25/6/18):

In the view of Chalton Parish Council this is an unacceptable development within the close area of Chalton village and fails to meet the very special circumstance required for the granting of planning permission.

Following the removal of the 6.8m high transformer pylon and main transformer from the plans the PC considers that there is a lack of information as to how the batteries would be connected to the substation. The applicant must submit full technical details of this power line together with its proposed route for the application to be properly considered;

The PC disagree with the applicant's statement that there will be little noise (transformers, fans etc);

With regards to the schedule of neighbours to be consulted the PC are concerned that major developments such as this can be submitted without the wider community being informed;

It is clear that the substation is and will continue to attract further applications in the future;

The proposal will in effect bring the substation into the Charlton village boundary area with its attendant noise and pollution coming directly into the village;

There is no report on safety;

The noise produced by the transformers will have a different characteristic to the at produced by vehicles using the nearby M1 motorway and consequently will add an additional factor to the noise pollution emanating from the motorway;

The PC consider that the planning statement is misleading (renewable energy source /

The financial viability of the power storage unit is for the sole benefit of the applicant. The PC understands that this is not a planning matter but consider that it should form part of a 106 levy;

The site lies in the Green Belt and reference is made to the criteria as cited in the NPPF / the neighbouring sites put forward for inclusion in the new Local Plan and a planning permission for Hillcrest (CB/17/02230/OUT);

The development measures some 130m x 45m and as can be seen on the block plan covers a significant proportion of the field in which it would be built. The BSU if built would we understand be the one of the largest of those built or about to be built in England.

Pollution Team	No objection subject to the specified condition
Ecology	No objection
National Grid Customer Support Team	No comments received
Highways England	No objection
Landscape Officer (reconsulted)	No objection subject to a landscaping condition
Highways Development Management	No objection subject to the specified conditions
Rights of Way	No objection as the site does not abut, nor affect any recorded public rights of way
IDB	The surface water drainage strategy (as submitted) is acceptable <i>in principle</i> however the Board suggest that conditions (requiring that the applicant's storm water design and construction proposals are adequate) are pre-commencement.
The Chalton Village Association	Very inappropriate development in the corner of a field close to park land it manages. Concerned that the large area (5850sqm) of the proposed development will drain more quickly into the river Flit and wish to be assured that there would be no flood risk.

The CVA is also concerned about the route of the overhead power lines which would connect with the Sundon substation and which would pass close to the park land.

**Other Representations:** 33 received (22 objections, 9 in favour, 2 comments) which have been summarised as following:

Policy

- The site is in the Green Belt and would be visible from the road, contributing to the coalescence of Chalton to North Luton; the intrusion into the Green Belt would be considerable;
- There have been 2 previous applications for peak power generation units which were withdrawn on the basis of Green Belt issue;
- This is not an exceptional circumstance and therefore there is no justification on taking Green Belt land for this use;
- Harmony Energy rely upon the now out of date 2004 local plan rather than the recently submitted new local plan;
- The results of the call for sites which are incorporated into the draft plan assessed two possible residential developments in Chalton as being of high to moderate harm to the Green Belt;
- The site is not suitable as it is a parcel of land between residential properties;
- Assuming the local plan is adopted, will the land no longer be considered as Green Belt?

### Health & safety

- The battery power storage facility would be too close to residential houses and the school;
- It is a health and safety risk in terms of noise & emissions;
- These batteries are known to catch fire;
- The noise pollution will add to that of the M1, the new link road and the existing power facilities;
- The transformers transmit a significant hum;
- What security /safety protections are proposed for any potential terrorist activity /other threat to this proposal

### Consultation

- There was a lack of consultation. CBC only considering those neighbours designated by the red line on the applicants outline site map is difficult to accept that impartiality has been demonstrated; coupled with the lack of adequate notification to villagers this suggests a lack of total transparency, over a highly controversial infrastructure proposal, in the planning process at best and of collusion at worst;
- The lack of communication is abysmal;
- The application should have been given more publicity;
- The residents of Chalton should have a chance to hear more at a public meeting;
- Shouldn't there be a public enquiry over the proposal / Health & Safety assessment?
- The scale of the plans helps to mask the visual impact of the site as the visual impact of the site cannot be readily assessed or that at its nearest the site is within 150m of the Chalton Lower School boundary fence

### Contradictions, omissions and deceptive statements in the documentation such as:

- A power connection to the Sundon substation is essential, but there is no information about this important technical requirement;
- It will take 15 years of growth from the proposed planting to screen the site;
- The site covers 10,632sqm (1.0 hectares) and should be classified as a major development;
- In recognition that they need to demonstrate 'very special circumstances' they have attempted to indicate some savings in CO2;
- Contrary to 3.11-3.14 there are no mast or pylons in this area as they were all removed during the M1/A5 link road works;

### Visual impact

- The site will be highly visible from the B579 which approaching the village from the South and also from the properties known as Hillside and Hillcrest

### Environmental impacts

- Batteries simply store electrical energy and release it when required. If the batteries are powered from the electricity grid they will store energy with the CO2 rating of 453kg CO2/kWh. On the other hand, if they are able to connect directly to an offshore wind farm they will store energy with a rating of 11kg CO2/kWh. Such developments should therefore be sited closer to a low carbon energy source rather than in the confines of a small village;

- Harmony Energy do not provide any information of the quantity of CO2 which would be generated in the manufacture of the 77 banks of Tesla batteries the 2- -2.5MVA, 1-25MVA transformer and other materials used in the construction of their development. How many years are required for their development to become carbon neutral?
- The proposal that the battery-storage will be powered and topped up by renewable energy sources, such as wind turbines and a solar array, suggests this development could be a trojan horse for further development;
- There is no indication of how long this facility will be in use and how it will be dismantled when redundant. The recycling of the materials should be considered as part of the planning process;
- There has seemingly not been an Environmental Impact Assessment.

#### Precedent

- If permission were granted for this development there is the potential to create a precedent which could allow previously withdrawn planning applications to be restated. If this were allowed Chalton village would become a group of houses located within industrial connections to the Sundon substation.

#### General

- Should any energy infra structure equipment be required there appears to be plenty of land on the UK Power Networks site to the north of this site which is more logical;
- Increased traffic;
- Would the development result in HGVs coming through the village (during constructions and for maintenance?);
- If it is approved construction vehicles should not be allowed to approach the site from the north or leave in that direction. The village has a lorry ban on the B579, so this condition must be applied;
- The proposer has submitted amendments because of an objection – the whole planning process hold no merit whatsoever;
- This is for the benefit to the applicant/landowner not the wider environmental benefits of this community;
- Chalton (a dumping ground for unnecessary services) has had enough changes over the last few years and I do not want to live opposite a National Grid Site;
- There are no payments to support village projects;
- Construction disruption;
- Alternative sites such as the area within the Electricity substation perimeter should be considered;
- The submission is very misleading ie scale of plans / photos /statements etc;
- The proposed battery storage would make it, at 49.5mw, the largest in the UK and Europe by some 850%; for comparison, the Leighton Buzzard battery storage facility, currently the largest in the UK and Europe, only has a reported 6mw output enough to power some 6,000 homes for 90 minutes.

#### Support

- With the allocation of part of Chapel Farm for housing this is an excellent use for the remainder of the land;
- The development will be viewed against a back drop of the M1 and the substation;

- My daughter goes to the school next door to Chapel Farm. It is important for my daughter's future that there is a good electricity supply;
- I can see how it is in the national interest to have these types of energy storage;
- Pleased about the tree planting;
- Supportive of renewable energy that helps to lower CO2 emissions. The plant fits in with the local landscape and is not in open countryside;
- As a society, we need to be open to progress and efficient management of energy supply is critical to our way of life;
- The response from the PC is disappointing;
- In a previous application (CB/17/03220/full) the PC actually recommended 'battery storage' as a solution;
- I live in Leighton Buzzard where there is a battery store site and I am pleased that more similar projects are starting to develop as they will help in grid balancing;
- Supportive of projects that enhance the national infrastructure.

## Considerations

### 1. Background

Battery storage technology allows surplus electricity to be stored until it is required, at which point it can be released into the national grid to meet peak demand. The system is designed to cover peak periods of demand and can respond to variations in grid frequency, providing balance to network demand.

- 1.2 Among the benefits of battery storage technology is that energy generated from renewable sources can be stored until it is required, rather than being wasted if there is no demand at the time of generation. This helps reduce the requirement for more traditional, carbon heavy energy generation, therefore decarbonising the electricity network and reducing carbon emissions overall. It also allows resilience to be built into the electricity network and enhances national energy security.

### 2. Principle of Development / impact on the openness of the Green Belt

- 2.1 The site is located within the South Bedfordshire Green Belt and therefore Section 13 of the NPPF is a key consideration in the determination of this application. Section 13 of the NPPF states that the essential characteristics of Green Belt are their openness and their permanence.

It explains that the Green belt serves five purposes, which are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Section 13 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It explains that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green

Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraphs 145 and 146 set out lists of types of development which are not considered to be inappropriate development within the Green Belt. The proposal, considered as a whole, does not fall within any of these lists and therefore constitutes inappropriate development within the Green Belt. As such very special circumstances need to be demonstrated to quantify the harm to the Green Belt.

## **2.2 Very special circumstances**

As described in the Planning Statement, battery energy storage systems are subject to locational constraints; the most important of which is the distance of the system from the connection to available capacity on the national grid.

The application puts forward a case for very special circumstances, which predominantly involves the benefits that the proposal would have in terms of facilitating renewable and low carbon technology and contributing to network resilience and energy security.

It is considered that substantial weight should be given to these factors, having regard to the local and national planning and energy policy support for projects that would contribute towards carbon reduction, network resilience and energy security. In reference to renewable energy projects, Section 13 of the NPPF states that very special circumstances may include the wider environmental benefits associated with increased benefits from renewable energy sources.

Section 10 of the NPPF states that, when determining planning applications, local planning authorities should:

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

National Planning Policy Statement En-1, the Overarching National Policy Statement for Energy emphasises the importance of decentralised energy systems for energy security and the need to increase electricity capacity within the system, including technology which can support the growth of low carbon energy generation sources.

- ## **2.3**
- The Sustainable Growth / Climate Change Officer has confirmed that the proposed battery storage development will help to balance supply and demand of power and assist in achieving the network resilience to supply interruption. The National Infrastructure Commission's report 'Smart Power' (March 2016) identified storage of power as a key part of energy network. The development is supported by paragraph 148 of the NPPF (July 2018) that supports the transition to a low carbon future and supports renewable and low carbon energy and associated infrastructure.

The Sustainable Growth / Climate Change Officer concludes that this development will help to balance energy supply from renewable sources with demand patterns and therefore can be considered as sustainable energy development.

The development is supported from sustainability and climate change point of view and it is considered that any adverse impacts can be addressed satisfactory (including cumulative landscape and visual impacts) as stated in paragraph 151 of the Framework can be mitigated by a landscape condition.

- 2.4** At a local level (Emerging Local Plan) the pre-ambule to Policy CC2 para 16.3.3 states that *“the Council also recognises that the energy market is rapidly evolving, and it is expected that new technologies and infrastructure will emerge throughout the lifetime of this policy. For example, since the Renewable Capacity Study was completed there have been significant advances in Battery Storage and smart metering.*

Para 16.3.4 states: *because of the importance of the transition to decentralised renewable and low carbon energy system for the UK, the council will be positive in its support for applications that related to energy technologies and infrastructure as long as they are compliant with national energy policy, have no unacceptable adverse impacts that cannot be mitigated and will benefit local communities. In particular, community energy projects and those that the community backing are encourage and will be supported by the Council.*

Under Policy CC2 (Sustainable energy development) the *‘Council recognises the environmental, social and economic benefits of renewable or low-carbon energy and sustainable energy infrastructure.*

*The Council will positively support energy development which:*

- *Are located in the suitable areas where negative impact can be most effectively mitigated through design, scale and sitting of the project;*
- *Are located and designed so as to have no unacceptable adverse impacts on heritage assets, sensitive landscapes and townscapes, noise, pollution and harm to visual amenity;*
- *Can demonstrate engagement with affected stakeholders, including communities, in order to understand and address issues for objection;*
- *Can provide environmental benefits and is supported by local communities’.*

**2.5** Landscape Character Assessment (Barton Le Clay Vale & Houghton Regis-North Luton Rolling Chalk Farmland)

Revised details were submitted during the determination of the application whereby the applicant proposes to relocate taller elements of infrastructure off-site, to the north towards Chalton STW's / Sundon Sub Station, and restricts the tallest development within application site to 4m in height. As such the Landscape Officer considers that there is the potential to assist in mitigating development via structural landscaping.

The area associated with the application site (Chapel Farm) includes an allocated site within the emerging CBC Local Plan offering potential for future development including housing and / or employment. As such the Landscape Officer requests that any landscape mitigation associated with application proposals takes this in to account.

No objection is raised by the Landscape Officer (to the revised scheme with the tall infrastructure located off-site) subject to a detailed landscape which provides adequate and effective landscape mitigation for the application site and accesses and which assists in enhancing landscape character.

- 2.6** In conclusion, substantial weight is given to the harm that the proposal would have on the Green Belt by reason of inappropriateness and a limited loss of openness. However, it is considered that the substantial weight should be attributed to the social, economic and environmental benefits of the development as they relate to the management of energy, coupled with the proximity of the site an existing substation with available capacity when considered cumulatively and the mitigating impacts of the development on the openness of the Green Belt by a landscaping plan, would outweigh the identified harm to the Green Belt.

The principle of the development is therefore considered to be acceptable in accordance with national and local planning policy.

### **3. Neighbouring Amenity**

The closest dwellings are those located at Chapel Farm itself and those within the village of Chalton, the closest of which is 250m to the southwest off Luton Road. The proposed development would therefore not have any impacts on residential amenity in terms of built form. The proposal does have the potential to generate noise, and it is therefore considered necessary to impose the condition recommended by the Public Protection Team to ensure that the development does not result in unacceptable levels of noise and disturbance to neighbouring residents.

## **4. Other Considerations**

### **4.1 Public Protection**

The applicant has confirmed that there are no emissions associated with the proposed development other than noise.

There is no noise from the charging/discharging of the batteries themselves, however, there are two sources of noise associated with the proposals; the inverters (the kit that converts current from direct to alternating) and the cooling fans in the battery power-pack units. Neither source of noise is constant. The inverters only operate when the batteries are charging/discharging. The fans only operate when the ambient temperature reaches 20 degrees. With an ambient temperature of 20 degrees, power-pack fan speeds would be 20% of their maximum and their noise levels would not be discernible above normal background noise levels and certainly not where background noise levels are high as they are at Chapel Farm. Even with a significant increase in ambient temperature to 30 degrees, power-pack fan speeds would only be 40% of their maximum. UK day time/night time temperatures mean that the proportion of time fans are in operation during the day will be low, and at night they are unlikely to operate at all.

Further to discussions with the agent on noise emissions and the submission of noise data for the proposed installation, the Public Protection is satisfied that noise levels produced will be satisfactory in this location. To secure this, the Public Protection Officer has recommended a condition on noise to be attached to any grant of permission.

#### 4.2 Highways Development Management

No objection is raised by the Highways Officer subject to the specified conditions.

#### 4.3 Ecology

The site appears to be a grazed agricultural field with no hedgerows or other semi-natural features present. The proposal will result in the loss of 0.69Ha of this field but new native hedgerows are proposed as screening. No objection is raised by the Ecology Officer as it is considered that it could deliver a net gain for biodiversity.

#### 4.4 Other issues raised through the consultation process not addressed above:

- The proposed development does not fall within the requirements for screening under the EIA Regulations.
- The applicant would be happy to accept a condition requiring that the development is removed, and the site restored at the end of its operational life. The process of dismantling the equipment can be controlled by condition on permission granted.
- The consultation process for the application was carried out in accordance with article 15 of the Development Management Procedure Order (as amended). The Local Planning Authority consulted over the planning application in the appropriate manner with Royal Mail letters and the posting of a site notice.
- Chalton village has a lorry ban on the B579 which controls the vehicle movements through the village. Whilst the applicant is happy to accept a condition to this effect such a condition is not considered to be enforceable. This matter is covered by other legislation.
- With regards to the previous submission of peak power generation units each planning application is dealt with on its own merits;
- The proposed development is not considered to be at any greater risk of terror activity than other development. Notwithstanding this, the proposed development would be surrounded by a 2.4m high-security fence and CCTV would be in operation. The batteries are located within sealed units;
- There are large electricity pylons in the vicinity of the site;
- The applicant has stated *“that there are already a number of schemes of a similar scale installed and already operational in the UK. Examples include Stratera Energy’s 50MW Pelham project, EDF’s 49MW project at West Burton B and Low Carbon’s 40MW project near Kent which are all fully operational. Furthermore, there are gigawatts of other projects that are in various stages of development which will be built before Chapel Farm, with Harmony Energy alone having already secured full planning permission for a further five 49.5MW fully consented projects in other areas of the UK”*.

#### 4.5 Human Rights Issues & Equality issues:

Based on the information submitted there are no known issues raised in the context of Human Rights/Equalities Act 2010 and as such there would be no relevant implications with this proposal.

#### Recommendation:

That Planning Permission be Approved subject to the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 001(revG) General arrangement battery container layout; Location plan; Block plan.

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

- 2 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

Reason: To ensure an acceptable standard of landscaping.  
(Sections 12 & 15, NPPF)

This pre-commencement condition has been agreed with the applicant as it is necessary in order to ensure that no unnecessary harm is caused by the commencement of development works.

- 3 **Development shall not begin until details of the junction between the access way and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.**

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

This pre-commencement condition has been agreed with the applicant as it is necessary in order to ensure that no unnecessary harm is caused by the commencement of development works.

- 4 **Prior to commencement of development storm water details (design and construction) shall be submitted to and approved in writing by the Local Planning Authority. Storage must be provided for all storm events up to and including the 1 in 100 year event + 40% allowance for climate change.**

Reason: To ensure an acceptable scheme. The proposed means of surface water discharge is direct to a watercourse under the IDB's control and the Board will not accept discharge rates greater and the QBAR rate for the site impermeable area.

**This pre-commencement condition has been agreed with the applicant as it is necessary in order to ensure that no unnecessary harm is caused by the commencement of development works.**

- 5 **Development shall not begin until details of turning areas suitable for a heavy goods vehicle has been approved by the Local Planning Authority and no building shall be occupied until those turning areas have been constructed in accordance with the approved details.**

**Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.**

**This pre-commencement condition has been agreed with the applicant as it is necessary in order to ensure that no unnecessary harm is caused by the commencement of development works.**

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

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

- 7 The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 25m into the site, measured from the highway boundary. Arrangement shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of the highway.

- 8 Noise resulting from the use of the plant, machinery or equipment associated with this permission shall not exceed the existing background level when measured or calculated according to BS4142:2014.

Reason: To protect the amenity of nearby premises.

- 9 The development hereby permitted shall be removed and recycled and the site restored at the end of its operational life.

Reason: For the avoidance of doubt and to protect the openness of the Green Belt (Section 13, NPPF)

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted site location plan and block plan and the plan numbered 001 Rev G.

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

## INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
  
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

.....  
.....  
.....  
.....

This page is intentionally left blank

**LATE SHEET**

**DEVELOPMENT MANAGEMENT COMMITTEE – 09.01.2019**

***Item 5 – CB/18/04185/FULL – Etonbury Academy, Stofold Road, Arlesey, SG15 6XS***

**Additional Consultation Response**

Arlesey Town Council have issued the following consultation response:

Arlesey Town Council request that a condition be added to the above planning application: that the new car parking facility must be completed and useable before construction works for the new school commence on the existing car parking area, to mitigate against further detrimental impact on traffic flow and road conditions during peak school times.

**Additional Comments**

In the context of the phasing of the development in relation to car parking provision, the applicant has confirmed the following:

BEST have commissioned the provision of a temporary car parking facility on site, to accommodate the full number of spaces from the original car park during construction. The temporary car park is sited on the land to form the new car park.

This temporary car park will be in use from the proposed construction date and no loss to parking at the Etonbury site will occur. It is proposed that the works on the permanent car park will commence in the summer holidays to mitigate any disturbance to the School during term time.

Condition 12 of the Officer recommendation would ensure that the permanent car parking approved is completed and made available for use prior to the first use of the building.

**Additional/Amended Conditions/Reasons**

None

***Item 6 – CB/18/2867/VOC - Land South of Barford Road Blunham MK44 3NE***

**Additional Consultation Response**

None

**Item 7 – CB/18/03395/FULL – Land at Chapel End Road, Houghton Conquest MK45 3LL**

**Additional Consultation Responses**

**Leisure**

The Council's Leisure Team have requested the following financial contributions:

Outdoor Sport: £7,121.00 towards the Parish Council's project for outdoor gym equipment.

Children's Play: £20,000.00 for improvements to the children's play area at Chapel End Road.

Informal Recreation: £3,000.00 required to provide new bins and benches at the Recreation Ground. A suggested contribution by the developer is welcomed.

**NHS England/ Bedfordshire Clinical Commissioning Group (BCCG)**

The BCCG has issued the following consultation response:

Thank you for the opportunity to comment on the above planning application. Consideration of the potential consequences of this development and the health infrastructure implications has been undertaken on behalf of NHS England and Bedfordshire Clinical Commissioning Group.

Our understanding is although this application is for 37 dwellings, there is an existing 17 permitted, whereby contributions can only be sought based on the additional 20 dwellings.

The closest GP surgery to the development is at Marston Mortaine circa 5.5 miles away via country roads and the A421. Marston Surgery is considered severely constrained in terms of the ratio of patients to the current premises. There is a part-time basic facility in Wilstead currently operating out of a room in the local pharmacy, with the main surgery based in Ampthill and one of the most constrained premises in Bedfordshire.

A severe premises constraint affects a surgery's ability to take on new patients and even new GP's and allied clinical staff, especially with the requirement to offer a wider range of patient services from GP Practices, including mental health and community services and some outreach specialist services from local hospitals, delivering care locally and reducing referrals into secondary care.

This application for 37 dwellings will result in circa 96 additional patient registrations and create a constraint that will require premises reconfiguration, extension or even re-location to create additional clinical capacity. For this reason, in order to make this development acceptable to NHS commissioners, it is requested that a contribution for £1,060.50 per dwelling is made towards the proposed new GP surgery in nearby Wixams, supporting the delivery of the 5 Year Forward View and Primary Care at Home models.

The s106 request for this development has been calculated on 20 dwellings only and as follows:

Primary Care is currently commissioned by NHS England which has a co-commissioning relationship with Bedfordshire CCG. The primary care calculation is based on a formula adopted across the NHS England Midlands and East (Central Midlands) team to provide consistency for all the 25 local authorities it works with and as part of the single operating model of best practice it has developed. It has been consistently accepted by local planning authorities.

$w \times 2.6 = x$ Multiply the numbers of dwellings in any given development (w) by 2.6 to give x new patients
$x/2000 = y$ Divide the number of patients by 2000 to give the numbers of GPs needed (y) (based on the ratio of 2,000 patients per 1 GP (as set out in the NHS England " <i>Premises Principles of Best Practice, Part 1 Procurement &amp; Development</i> ")
$y \times 199 = z \text{ m}^2 \text{ of additional GMS space}$ Multiply the number of GPs required by 199 to convert to new GMS space (199 m <sup>2</sup> ) being the amount of floorspace required by each GP (again as set out in the NHS England " <i>Premises Principles of Best Practice, Part 1 Procurement &amp; Development</i> ")
$z \times \text{£}3,150^* = \text{£}$ Multiply the floorspace by £3,150 which represents build cost per m <sup>2</sup> including fit out and fees to give a total cost (£)
$\text{£}/\text{number of dwellings} = \text{£}815.90 \text{ (rounded to £816 per dwelling)}$ Dividing the total build cost by the number of dwellings provides a standard contribution required from each new dwelling towards the cost of providing GMS services for that development

Acute, community and mental health services are commissioned by Bedfordshire CCG. Accepting that for an application of this size the acute calculations are not being requested, the methodology of calculation, based on known data, is however similar for acute, community and mental health services.

These contributions are calculated by activity type and recorded attendance data. These secondary care activity type attendance numbers reflect a lower proportion of the population than the 90% first accessing healthcare via GP provided primary care services.

This approach then determines the proportionate growth of specific development sites from which space requirements are determined by infrastructure type – e.g. for acute services: Wards; Theatres; A & E space; Outpatients Suite/consulting rooms; MRI CT Ultrasound and X Ray etc. The acute services build costs per infrastructure type are considerably more expensive than for primary and community care, due to their complexity and highly sophisticated technical requirements.

For Community Health Centres: treatment rooms; consulting rooms; diagnostic rooms etc., a similar calculation using the same attendance methodology for community health services establishes an infrastructure cost per dwelling of £114.10

A final secondary healthcare consideration relates to mental health services and here the attendance methodology establishes an infrastructure cost per dwelling of £130.40. The mental health costs per dwelling reflect differing infrastructure types such as in-patient wards as well as a range of community based mental health provision.

The calculations above for a contribution of £1,060.50 per dwelling totalling £21,210.00, are based on the impact of this development only; on 20 dwellings, rather than the total of 37 proposed.

### **Additional Comments/ Amended recommendation**

It is considered that it is necessary, reasonable and relevant to seek the following contributions from the proposed development in addition to those identified in the Officers report:

£21,210.00 towards the proposed new GP surgery in nearby Wixams, supporting the delivery of the 5 Year Forward View and Primary Care at Home models.

£7,121.00 towards the Parish Council's project for outdoor gym equipment.

£20,000.00 for improvements to the children's play area at Chapel End Road.

£3,000.00 required to provide new bins and benches at the Recreation Ground. A suggested contribution by the developer is welcomed.

It is considered that these financial contributions would be CIL regulation compliant.

The Officers recommendation is amended to seek these contributions, to ensure that the impacts of the development would be mitigated, and the needs of new residents are met.

### **Amended Conditions**

Amendment to Condition 2 to refer to visitor parking spaces:

- 2 No dwelling hereby approved shall be first occupied until details of all final hard surfacing materials as well as an Implementation scheme for all hard landscaping (including visitor parking spaces and boundary treatments in accordance with Drawing reference 389-SK-07 Rev H and hard surfaced areas), has been submitted to and approved in writing by the Local Planning Authority. The implementation scheme shall detail the time scales/ triggers for the completion of all hard landscaping and visitor parking spaces. Thereafter the hard landscaping shall be completed in full accordance with the approved details including the timescales/ triggers detailed within the approved implementation scheme. All visitor car parking spaces shall thereafter be kept available for parking at all times.

Reason: To secure the delivery of car parking spaces, boundary treatments and hard landscaping to safeguard the visual amenities of the locality and the amenity of future occupiers and to minimise the potential for on-street parking and thereby safeguard the interest of the safety and convenience of road users.

***Item 8 – CB/17/04133/FULL – Fulbrook Middle School, Weathercock Lane, Aspley Guise, Milton Keynes, MK17 8NP***

**Additional Consultation/Publicity Responses**

None

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

***Item 9 – CB/18/03205/FULL – Land adjacent to Ashridge, Pepsal End Road, Pepperstock, Luton, LU1 4LJ***

**Additional Consultation/Publicity Responses**

An additional consultation response was received by the Council on 20/12/18 from the occupier of a neighbouring residential property. The contents of this consultation response are summarised as follows:

- Unable to attend the meeting in person due to work commitments.
- Surprised that the application could be granted planning permission given the officer recommendation for refusal and the fact that the proposal for the current planning application has not changed from the last planning application which was also refused.
- Strongly object to the potential approval of the current planning application before Members as an offer has just been accepted to buy our property for the use and enjoyment of a disabled child. The erection of a proposed production facility/ factory nearby would result in disruption during construction and operation.
- The western portion of the land for the application site has continued to be used as car parking which causes noise disturbance for neighbouring properties.
- The existing car parking on the western side of the application site for the proposed production facility has no planning permission. The Council has not substantially responded to complaints made regarding this car parking and has not taken any formal action to address this breach of planning.
- Appalled at the idea that planning permission can be granted to the applicant for the proposal before Members given that the applicant has not previously
- abided by planning rules by not obtaining planning permission for the car parking on the western side of the application site.

A further neighbour consultation response was received by Council on 02/01/19 which reiterates several points previously made in the consultation response received by the Council on 20/12/18 but has also raised additional points which are summarised as follows:

- It is hoped that action will be taken so cars will no longer park on the western side of the field for the application site.
- The view of the land for the application site with vehicles parked on it from our property's windows is an eyesore which is hoped will not continue for much longer.

### **Additional Comments**

The CBC planning case officer for this planning application responds to the additional consultation comments received on 20/12/18 and 02/01/19 as follows:

- The planning application referred to in the first bullet of the summary of the neighbouring consultation response received by the Council on 20/12/18 is planning application CB/18/02027/FULL. The application's proposal was also for a proposed production facility with associated on-site car parking and access road. The previous application's proposed scheme was revised and was of the same design and was on the same parcel of land adjacent to Ashridge, Pepsal End Road, Pepperstock as the planning application currently being considered by Members. Planning application CB/18/02027/FULL was withdrawn prior to determination and so the Council issued no formal decision on this previous planning application.
- Whilst comments regarding the prejudicing of future or ongoing purchases for a nearby residential property are noted, private transactional property matters are not a material planning consideration which can be considered in the determination of the planning application before Members.
- Concerns raised about the visual impact, disturbance and pollution resulting from the proposal on the amenity of the occupiers of neighbouring properties have been addressed in the Neighbouring Amenity sub-section of the committee report and in the consultation response of the Council's Pollution/Public Protection officer to the current proposal.
- The car parking taking place in a field on the western side of the application site has not received planning permission from the Local Planning Authority Central Bedfordshire Council. This car parking is currently subject to an ongoing Planning Enforcement investigation with the most appropriate course of action to be determined in due course by Central Bedfordshire Council planning enforcement officers.
- For the comments made in the last bullet point of the summary of the neighbour consultation response received by the Council on 20.12.18, the CBC planning case officer for this planning application would remark that each planning application should be assessed on its own merits. Whether or not planning permission was obtained prior to the commencement of development should not preclude decision-making for future planning applications made by the same applicant.

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

None

**Item 10 – CB/18/01795/FULL – Chapel Farm, Luton Road, Chalton, Luton, LU4 9UJ**

**Additional Consultation/Publicity Responses**

**Additional Comments**

For clarification

On page 2 para 3 it is stated that arrangements have been made to relocate the 6.8m transformer (which was removed from the proposal) to the adjacent substation. The applicant has been in discussions with UKPN (the District Network Operator for the site) who have confirmed that no transformer will be required to facilitate the proposed development. The connection UKPN is providing is at 33kV so there is no need for a large 132/33kV transformer and associated infrastructure. The scheme will connect directly into the 33kV side of the existing DNO transformer inside their substation – so other than a small DNO substation building to house their 33kV switchgear and metering, there will be no need for any further equipment on their site in association with this proposal.

**Additional/Amended Conditions/Reasons**

Condition 1 should read as following:

***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.***

Removal of Condition 3 (which reads as following) as the track which is to be used was laid by Highways England in accordance with manufacturers recommendations and can accommodate loads of up to 20 tonnes. The maximum size of vehicles used for the construction of the proposed development would be 12 tonnes.

The track was originally constructed for the lagoon; and was kept in situ for future maintenance. The proposed development would also utilise the track during construction, and afterwards for occasional maintenance visits.

***Development shall not begin until details of the junction between the access way and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.***

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

***This pre-commencement condition has been agreed with the applicant as it is necessary in order to ensure that no unnecessary harm is caused by the commencement of development works.***

This page is intentionally left blank