

## LATE SHEET

### DEVELOPMENT MANAGEMENT COMMITTEE – 09 NOVEMBER 2011

#### SCHEDULE A

***Item 7 (Page 13-64) – CB/09/06431/OUT – Land at Frenchs Avenue and Hillcroft/Weatherby, Dunstable and land to the west of Hillcroft including Maidenbower (Houghton Regis Ward), Bedfordshire.***

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

We have received 167 additional signatures to the petition referred to on page 22, making a total of 2866 signatures.

Being unable to attend this meeting the CPRE (response on page 41) has sent a further letter which is attached hereto.

#### **Additional Comments**

Since the report was written an appeal decision has been issued of considerable importance to this application (*Appeal by Wainhomes (South West) Holdings Ltd on land at Treverbyn Road, St Austell, Cornwall*). The Secretary of State's letter of 31st October 2011 appears below and paragraphs 18 and 19 are instructive. We have therefore reviewed matters relating to timing of this decision in relation to the state of the Central Bedfordshire Development Strategy process.

*“The Planning System: General Principles” (2005, ODPM) states that “In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or under review but it has not yet been adopted. This may be appropriate where a proposed development is so substantial...that granting permission could prejudice the DPD by predetermining decisions about the scale, location, or phasing of new development which are being addressed in the policy in the DPD. “*

Planning legislation advocates a plan-led approach, particularly in relation to possible changes to the Green Belt (see PPG2), and this was the approach being followed by the Joint Committee with the joint Core Strategy.

With the recent withdrawal of the Core Strategy officers were unsure as to whether a prematurity argument could be sustained in respect of the prejudicial impact of this site on the Central Bedfordshire Development Strategy process. However, the recent decision by the Secretary of State in relation to a large mixed-use development at St Austell in Cornwall suggests that the Localism agenda has placed increased emphasis on the plan-led system and the opportunity for community engagement it brings. The Cornwall Core Strategy was at a very early stage and at the time of the Public Inquiry in November 2010 options had just recently been agreed by Members for consultation in early 2011. However, despite this early stage the Inspector and the Secretary of State considered that the scale of the proposal was such as to prejudice the proper consideration of sites through the Core Strategy process.

The Central Bedfordshire Development Strategy is also at a very early stage. The Plan-making Programme agreed by Executive on 4 October 2011 made provision for public consultation on a draft strategy in May 2012. However, it is highly likely that, should this application proceed to appeal, the Central Bedfordshire Development Strategy would be further advanced by the time of any Public Inquiry than the Cornwall Core Strategy. On this basis, the early stage of the Development Strategy need not prevent a prematurity argument being sustained.

With a search area across the whole of Central Bedfordshire, there are numerous alternative sites that would potentially compete with this site and that should be properly assessed and consulted upon. The size of the site at North West Dunstable is not as large as that at St Austell but the principle remains that strategic decisions on the location of large-scale new development should be made in the context of the planning policy process rather than on an ad hoc basis through Development Management decisions. It is suggested that this be added as a further reason for refusal.

### **Additional Reason for Refusal**

(to be no.2, other reasons been moved down)

The proposed development, by reason of its scale, would be prejudicial to the proper consideration of strategic sites and growth options through the Central Bedfordshire Development Strategy, contrary to the principles contained in national guidance in *Planning System: General Principles*.

### ***Item 8 (Page 65-76) – CB/11/03025/FULL – Formerly The Priory PH, High Street North, Dunstable, LU6 1EP.***

A previous planning application on this site for a similar scheme was refused under delegated powers on 2<sup>nd</sup> August 2011. An appeal has been made against this application and is due to be heard at a hearing on 14<sup>th</sup> February 2012.

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

6 additional letters of support have been received since the report was completed.

The letters raise many of the points included in the report plus those listed below.

- the site is convenient for buses and shops
- the building has been set on fire a number of times in the last few months
- the site is overgrown and the building has fallen into disrepair
- Dunstable doesn't need another pub or restaurant

A further response from the Environment Agency has been received. The text of the report was amended to reflect the content of the letter however the comments of the Environment Agency were not included.

The Environment Agency is able to remove their objection but consider that permission should only be granted subject to a condition dealing with contamination.

Further comments have also been received from the Housing Strategy Officer who, following additional information, advise that indicative figures show that the scheme may be unviable and that a commuted sum towards off-site affordable housing could be accepted. The level of commuted sum has been agreed.

### **Amended Reason for Refusal**

3. The proposed development would result in an additional demand on local infrastructure. The proposal does not provide the required contributions towards infrastructure in the form of a satisfactory legal agreement. The proposal is therefore contrary to Supplementary Planning Document – Planning Obligations Strategy.

## **SCHEDULE B**

### ***Item 9 (Page 77-86) – CB/10/02161/FULL – Old Park Farm, Bridle Way, Toddington, Dunstable.***

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

##### Environmental Health Officer

- No complaints have been received when events are taking place
- The operators should follow the Code of Practice on Noise from Organised Off Road Motor Cycle Sport 1994.
- The Public Protection section should be notified 56 days prior to an event taking place or the operators should notify the Council of the year's events 56 days prior to beginning the season.

##### Harlington Parish council

- Application should be rejected
- Temporary permissions are self-enforcing as the cost is borne by the applicants. A permanent permission is costly to enforce.
- Use of land for motor cross events is not a special circumstance in this Green Belt location.
- The draft National Planning Policy Framework requires Local Planning Authorities to make sustainability a major focus. Motor events based on fossil fuels is not sustainable. Farming only represents a sustainable use of farmland.
- Permanent change of use represents loss of farmland and loss of Green Belt land contrary to national policies contained within PPS1 and PPS7.
- A change of use would make it easier to permit future applications for an increase in the number of events, their size and content.
- This would also result in alternative uses being considered for the site.
- Noise pollution cannot be adequately mitigated. Any high fences would be harmful to the openness of the Green Belt.

## **Additional Comments**

### Response to the objections raised by Harlington Parish Council

- There is no evidence that the costs of enforcing a temporary planning permission are less than those for a permanent permission. A breach of conditions can equally occur with a temporary permission and the same measures have to be taken to rectify the breach as with a permanent permission.
- The principle of running motor cross events on the site has already been accepted with the grant of the previous temporary permissions. Furthermore, such events are normally carried out as permitted development anyway.
- Any future development proposals on the site would be treated on their own merits and there would be no automatic presumption in favour of development simply on the basis of the existence of a permanent permission for motor cross circuit events.
- The other objections relate to the principle of the development which have been addressed in the officers' report.

## **Amended Informative**

Amended informative No. 4 as follows:

The applicant and operator of this permission is advised that the organisation and operation of any moto cross event held on the site shall be in accordance with the Code of Practice on Noise from Organised Off-Road Motor Cycle Sport. The Council's Public Protection section shall be notified 56 days prior to an event taking place or the operators shall notify the Council of the year's events 56 days prior to beginning the season.

### ***Item 10 (Page 87-106) – CB/11/03370/FULL – Land to the rear of 197 Hitchin Road, Arlesey.***

## **Additional Consultation/Publicity Responses**

Highways Development Control – no objection to the proposal as submitted.

An additional 5 letters of objection have been received. The letters raise objections which are included in the report and additional objections as set out below.

- there is a "bungalow" on the site which is used as a day room;
- the "bungalow" did not have any planning permission or building regs, planning permission was granted retrospectively;
- the applicant lives in the house and there is no need for all of the pitches;
- lorries and equipment are parked on the site;
- hardcore is sorted on the site;
- materials are burnt on the site and other materials dumped on the site;
- the applicant has workers living on the site;
- cars and vans come and go during the day and night and not all residents have a control for the gates and so sound the horn on their vehicle to gain access;
- gypsy sites should be owned and managed by the Council;

- it is claimed that the applicant is advertising accommodation in mobile homes to the settled community;
- the fear of crime is increased by having people who cannot get references or afford deposits on houses living on the site;
- it is claimed that the address of the “bungalow” is being used as a trading address of a company;
- questions are raised regarding who owns the land, whether there are plans to improve the access, what the plans actually show, how many pitches the application is for and the capacity of the sewage system;
- the travellers do not travel;
- the access is inadequate;
- the site has inadequate sanitation;
- the electricity and water supply is inadequate;
- erosion of the Green Belt;
- gypsy and traveller sites are not fairly distributed throughout the area;
- the Localism Bill gives power to local residents and the level of local objection should mean the application is refused;
- no decision should be made on the application until the new DPD is produced
- the site is prone to flooding.

Other issues have also been raised by objectors which are not planning considerations and have therefore not been reported.

### **Amended Condition**

6. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001, CBC/002, CBC/003 & PBA1

Reason: For the avoidance of doubt.

### **Additional Informatives**

None required.

## ***Item 11 (Page 107-124) – CB/11/03169/OUT – Former Meller Beauty Premises, Sunderland Road, Sandy.***

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

#### Mono Marshalls Objection

A letter of objection has been received on behalf of Mono Marshalls. The fundamental concern relates to the close juxtaposition of conflicting land uses namely a general industrial activity without planning restriction, and a proposed new housing site.

The Marshalls site enjoys 24 hour working and this obviously includes the night-time period, therefore leading to conflict with residential uses.

Mono Marshalls is currently working at a lower level than would be liked and the company hopes this will not continue and would look to increase levels of activity at the site in time to come. PPG24 Planning and Noise makes it clear from the outset that new noise sensitive development should not be permitted in areas which are, or are expected to become subject to unacceptably high levels of noise.

A copy of the letter has been appended to the late sheet for reference.

### Agent Comments

The agent for the application has raised a number of matters in relation to the Officers report to committee. In summary the agent refers to the demolition now being complete, in addition he raises a number of concerns in terms of the layout comments in relation to the car parking being dominant and the criticism of the travel plan.

### **Additional Comments**

The objection on behalf of Mono Marshalls refers to the site being a Safeguarded Employment Site and the emerging Site Allocations Development Plan Document allocating the site for housing. The Development Plan situation of the site is addressed in the Officer's Report. However, the Site Allocations Development Plan Document has been adopted and therefore the application site has now been allocated for housing and is no longer a Safeguarded Employment Site.

Public Protection have raised no objection to the application and worked with both the agent for the application and Mono Marshalls in ensuring that an appropriate level of assessment was undertaken in terms of the noise measurements.

In terms of the Agents comments the demolition is complete. In terms of the comments regarding the layout, the layout shown is indicative and this will be considered in more detail at the Reserved Matters stage and this is referred to in the report. The agents comments are noted in terms of the travel plan, the document is not adequate at this stage and therefore condition 14 is considered necessary to ensure that an adequate travel plan is submitted.

### **Additional/Amended Conditions**

None.

## **SCHEDULE C**

***Item 12 (Page 125-132) – CB/11/02984/VOC – Northhill Lower School, Bedford Road, Northill, Biggleswade.***

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

One additional letter of objection has been received – issues raised in the letter which are in addition to those already included in the report are set out below.

- granting planning permission would result in a public playing court next to a Conservation Area, within metres of the cemetery and within 100m of the church;
- the objector has over 640 balls land in their garden;
- it is not considered that a booking system as suggested in the application would be an adequate way to control the use of the MUGA.

Three additional letters of support have been received – issues raised in the letters which are in addition to those already included in the report are set out below.

- granting the application would allow the use of the MUGA during the school holidays;
- other nearby facilities are on a “for hire” basis making tennis expensive;
- playing tennis would not be detrimental to neighbouring residents.

Further information has also been received from the agent (a full copy of which is attached). The information specifically seeks to address the matter raised by objectors that there is no need for the facility. The agent states *“I draw your attention in particular to Paragraph 4.2 of Northill Community Plan which confirms that a survey was delivered and collected from all residents in the Parish. In fact this consultation was a Parish-wide and thorough exercise which investigated a whole range of topics, including in Paragraph 16 (Ref R1.0) that specifically states an action point is to create facilities in Northill (plus Ickwell) for children within a 1 to 5 year time frame. Secondly, in Section 33 you will note that three times as many people in Northill requested additional sports facilities than those that did not. In addition, in Section 30 you will note that youth specifically have a problem with transport for after school activities (in Northill greater than 50% of respondents made this point). Thus, a local facility would be a major asset particularly to youth.*

*In essence, the Northill Community Plan not only identifies the fact that the MUGA at Northill School is restricted, but that there is latent demand from the residents of Northill village and the wider Parish for additional sporting facilities; there is also a problem with transport such that the youth of the Parish are not able to access facilities away from the village. These two points in particular demonstrate that there is a demand for sports facilities in the village.*

*The School has also conducted surveys amongst the parents, staff and children at Northill School as well as the FPTA who have all stated a desire to use the facilities after school in order for parents and children to practice. It is misleading for respondents to claim that there has been no survey or that there is no demand simply because they themselves do not want to play tennis.”*

*The agent also confirms that “this application is made in order to use the site for tennis ONLY. We have suggested that your Authority might consider the use of the court for other activities; however, we are prepared to have the use of the site restricted to tennis only as part of this application.”*

The additional correspondence also provides further details regarding other facilities in the Parish and wider area and concludes that there are no “free to play” facilities in Northill parish or any of the adjoining parishes. Reaction to objector’s comments regarding disturbance, secure fencing, fear of crime and planning policy are also included.

The letter also suggests conditions which the applicant would be prepared to accept in order to overcome objections. The agent suggests that the use of the MUGA be limited to tennis only and that only residents of Northill Parish and users of Northill School (pupils, parents, staff etc) be permitted to use the facility. They would also be willing to accept reduced hours to those set out in the application and advise that use until 6pm would be acceptable during term time and outside of term time 9am-5pm Monday to Saturday. The agent also suggests that as a last resort the applicant would be willing to accept a temporary consent for a period of 2 years in order that the activity on the site and its impact could be fully assessed.

The above changes to the hours of operation of the MUGA are considered to be material and it is the opinion of officers that these changes should be subject to consultation. It is therefore recommended that if Members consider the reduced hours more acceptable they should either defer making a decision to enable consultation to take place or refuse the application as it stands and invite the applicant to make a further application on the basis of the reduced hours.

**Additional/Amended Reasons**

None.