

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 21 NOVEMBER 2012

Item 6 (Page 15 - 42) – CB/11/03832/FULL – Hillside, 32 Sundon Road, Harlington, Dunstable, LU5 6LS

Following the Development Management Committee of 19 September, Harlington Parish Council made further comments and also supplied a number of photographs of Sundon Road.

Similarly, the applicant's agent has submitted a response to the comments of the Parish Council.

Whilst both the Harlington Parish Comments and the applicant's agent's comments have been summarised in the committee report both parties have requested that their submitted documents are made available to the Committee.

As such, a copy of the Parish comments, their submitted photographs, and for the sake of fairness a copy of the agents' response, is attached to this late sheet for information.

A further letter has also been received from the applicant's conservation consultant, in response to the additional comments of English Heritage which have been summarised in the committee report. In summary, the main points raised by the applicant's conservation consultant are:

- "English Heritage have now explicitly confirmed that any perceived harm resulting from the proposed development would result in "less than substantial harm" to the character of the Conservation Area.
- English Heritage have not provided an assessment of the significance of the Conservation Area.
- The English Heritage comments suggest a "failure to weigh up the proposal and to properly assess whether any perceived harm to the character of the Conservation Area is justified by the economic and social benefit of the proposed development".

The applicant has submitted a completed and satisfactory Section 106 Legal Agreement which agrees to make contributions towards infrastructure provision including the off site provision of play space facilities and the provision of 4 affordable dwellings on the site.

HARLINGTON PARISH COUNCIL

Chairman:

Cllr Mrs M E Walsh
24 Lincoln Way
Harlington, Dunstable
Bedfordshire, LU5 6NQ

Clerk:

Mrs N S Upton MILCM
Parish Council Office
Rear of Parish Hall
Church Road

Tel: 01525 875972

Harlington, Dunstable
Bedfordshire, LU5 6LE
Tel: 01525 875933
Fax: 01525 874632
Email: harlingtonpc@yahoo.co.uk

25th September 2012

By Email to:

Mark Spragg
Central Beds District Council
Priory House
Chicksands
Shefford
SG17 5TQ

Dear Mark

Application No: CB/11/03833/CA & CB/11/03832/Full
Site: Hillside, 32 Sundon Road, Harlington
Proposal: Demolition of 2 dwelling and re-development of site for 2 No one bed dwellings, 4 No two bed dwellings, 4 No three bed dwellings, 2 No four bed dwellings and 1 No five bed dwelling, with associated garage and parking

Harlington Parish Council OBJECTS to this application and requests that it be REFUSED.

It was noted that a few amendments had been made to the original plan but it was considered that this had made no significant difference to the Harlington Parish Council's original objections which still stood. The fundamental issues are:

- **Conservation Area (CA):** CBC policy makes clear that it has a positive commitment to special areas and reflects English Heritage guidelines. The size and density of the proposal for this site is definitely detrimental to the CA and will seriously and adversely affect the street scene as it will effectively be destroyed and change forever the centre of the village by introducing an urban style development at its core. In addition, the statutory consultee, English Heritage, had not actually been consulted on the application prior to it being put to the Development Management Committee for a decision;
- **Road safety:** the proposed site sits along Sundon Road between 2 blind bends where the road is narrow and accidents occur. Photographs have been taken of the access points and road showing skid marks and these are attached. Sundon Road is a designated Safer Route to School in accordance with the Harlington Lower School's plan. With more traffic at peak times then there will be an increased risk to the children and it would be irresponsible for CBC to ignore this increased risk. Residents with small children will not want to increase the distance to be walked to school by having to use another footpath because it comes out past the development nor will they wish to use Station Road. This road is dangerous for an adult to use let alone a child because it is not footpathed on both sides of the road which means having to cross Station Road at the point of a blind bend. In addition, concerns were raised at the Development Management Committee meeting regarding the narrowness of the footpath along Sundon Road by the proposed site and although members

considered it dangerous, it was noted that the arguments for removal of the wall and hedge, setting both back to widen the footpath and rebuilding exactly as was, were thrown out because of the costs involved in such a conservation project;

- **Flooding:** the developer's flood expert may be right in saying that there was a 0.1% risk of flooding, once a year, but this is because it will not be the development site which floods or has drainage issues but rather the surrounding properties; Harlington is known for having flooding and drainage issues in various parts of the village because of the movement of the underground springs and also because the sewage systems are old and are not designed to take the number of additional properties already added.
- **Urban vs rural setting:** it was noted that it stated in the Officer's Report that the proposal was in an urban setting. This is considered untrue as Harlington is a rural setting and there is no escaping the fact that this particular part of the village falls within the CA. The proposed houses are not in keeping with the thatched cottages and Grade II listed buildings that will surround it;
- **Refuse & Emergency Vehicles:** emergency and refuse vehicles will not have the required room to access the site (especially once full of parked vehicles) and this will undoubtedly result in refuse bins being pushed onto and into Sundon Road for emptying. This is already an issue of contention for residents in Sundon Road as they have to stop in the middle of the road to negotiate the bins which have been thrown back in order to access their driveways. This situation will only be exacerbated and again, put children at risk. Residents have raised this with CBC previously;
- **Various:** all the trees on the site are to be removed, it was considered that all the points raised by the Council previously have simply been glossed over and not taken into account, including the items listed above along with the overbearing and overdevelopment of the site, the possible effects on wildlife, bats and the loss of amenity on Oak Close; and
- **Consultation Process:** It was considered that appropriate consultation and order of proceedings had not been undertaken and that there were grounds for maladministration. The matter should not have been put to the Development Management Committee prior to the completion of the appropriate consultation being undertaken on amendments to the original application.

In conclusion, CBC are asked to take note of local knowledge and give it the weight it deserves by recommending that the application be REFUSED. The recommendation to approve was with 25 conditions attached but past history and ongoing enforcement in the case of Lower Wood Farm (which had 9 conditions attached) shows that conditions can be easily breached thus requiring CBC to take appropriate enforcement action.

As stated above, I am attaching photographs but reserve the right to send additional photographs in the next couple of days.

Finally, should CBC be minded to approve the application, then the Council requests that a Considerate Contractors clause be included in any permission granted.

Yours sincerely

Nicky Upton

**Mrs N S Upton MILCM
Clerk to Harlington Parish Council**













triad planning & design ltd

The Old Dairy, Manor Farmhouse, Manor Road, Barton-le-Clay, Bedford, MK45 4NP
Tel: 01582 883830 Fax: 01582 883829

Email: info@triad-planning.co.uk
Web: www.triad-planning.co.uk

Our ref: RPS / LSB

23 October 2012

25 OCT 2012

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

For the Attention of Mark Spragg

Dear Mr Spragg

RE: CB/11/03832/FULL AND CB/11/03833/CA 32 SUNDON ROAD, HARLINGTON, BEDS

We have received a copy of the further representations by Harlington Parish Council in respect of the above planning application; the letter is dated 25 September 2012.

We would like to put forward the following comments for consideration concerning that letter:

- **Conservation Area (CA)**

With all due respect to the Parish Council, their comments are an unjustified opinion, unsubstantiated by any detailed analysis or reasoned argument.

The stance is clearly based on pure preservation and not on accepted conservation principles which is wholly against the Guidance given in the National Planning Policy Framework, PPS5 and your Design Supplement 5 (The Historic Environment).

If we may quote from Page 27 of that document produced by your Authority "the historic character is not only attractive in its own right, but it can act as a catalyst for creative new designs. There is a very important role for designers in the twenty first century to look to the buildings of the past and provide the equivalent quality of built form for the future".

As you are aware, detailed discussions and alternatives for the site were discussed during pre-application consultations wherein it was concluded by all parties that the continuation of a linear form of development following both topography and street alignment would create a 'sense of place'. It is a widely accepted principle that a sense of place is fundamental to a richer and more fulfilling environment and is achieved by creating a strong relationship between the street, buildings and spaces that frame it.

Moreover detailed analysis of the conservation area and surrounding buildings were submitted as part of the Design And Access Statement and Heritage Statement, these are documents of substance based on research and not mere opinion; particularly the Heritage Statement which provides a comprehensive analysis of the conservation area in terms of wider public benefit and the degree of harm (if any) to heritage assets, with the presumption on balance having regard to all material and **substantiated** considerations being in favour of development.

- **Road safety**

The Parish Council makes a statement at the beginning of this paragraph purporting that the proposed site is between two blind bends where the road is narrow and accidents occur. From our discussions with the site owners they are not aware of any accidents and have brought to our attention the fact that when the farm shop was in operation opening at 08.00 hrs to 18.00 hrs - 6 days a week with takings in excess of £2,500.00 per week with an average 40 movements to and from the site (80 total movements) in a day there were no accidents despite having large commercial deliveries to the site.

The bends in question can hardly be described as blind when they provide more forward visibility than is required (as analysed by independent Highway Engineers and accepted by your own Engineers) for a road of this width and the documented speed patterns produced by the Consultants.

To put things into perspective and disregarding the former retail use of the site, examination of the traffic study clearly reveals that the current proposal generates one trip every six minutes within the peak hour concurrent with school journey times. The traffic leaving the site could of course travel in the opposite direction to the village centre which further reduces the adjacent traffic flow adjacent to the Sundon Road footpath in question.

Having discussed the photographs supplied by the Parish Council with the Highway Consultants they have noted that HGVs are not allowed to pass through the village. They are of the opinion that from the tread pattern and juxtaposition of the skid marks these are probably associated with lightly loaded trailers without the benefit of modern technology braking systems. They have cited a good example as lightly loaded or unloaded farm trailers on return trips which are effectively being dragged along. The implementation of the current proposal will not increase the incidents of this type or any other large vehicle.

The assumption by the Parish Council that the implementation of the current proposal will change the existing pattern of footpath journeys is incorrect, the status quo is unaffected with the exception that the removal of the obstructions along Sundon Road will make this length of footpath safer than it is at present for pedestrians and much better than other locations such as Station Road where pinch points are even narrower, for example on the southern footpath where children would walk.

The reference to Station Road is not understood, nor is the reference to having to cross it at the point of a blind bend as the proposed development has no bearing on Station Road. Even if the reference means Sundon Road rather than Station Road why would parents and children elect to cross the road at the point of the bend when there is a school crossing patrol adjacent to the main crossroads that lead to the school, which is in a safer crossing location.

The impact of removing the electricity pole and road sign from the footpath is a positive contribution of the scheme towards existing pedestrian/highway safety; it will materially increase the available walking width.

To explain, the clear walking width that would be available (following removal of the obstructions) between the face of the existing iron stone wall and road channel edge of kerb is 1180-1200mm. The current clearance between the channel edge of the kerb and the face of the electricity pole is 780mm; the improvement in dimension is 400mm, effectively a 51.3% increase in available walking width. It is therefore undisputable that the improvement in walking clearance requested by your Highways Dept results in the elimination of the worst pinch point along this section of footpath, a positive attribute of the current proposal.

In fact whilst the Developers have agreed to re-site the current telegraph/electricity pole and road sign to improve the extant situation this is in effect a gesture of goodwill on their part.

The resultant width is almost 1200mm which is an accepted minimum footpath dimension (see diagrams in Manual for Streets) to enable an adult and child to walk side-by-side. We would also refer you to the latest document within your Local Transport Plan 3 (LTP3) wherein Appendix E (Page 60, 2nd bullet point) refers to "a minimum footway width of 1.2m is available for pedestrians after permitting verge/footway parking". Whilst this document deals with formalising parking on verges and footways it gives a clear indication that your Authority considers 1.2m to be an acceptable footway dimensions in certain circumstances.

Your attention is respectfully drawn to paragraph 204 of the National Planning Policy Framework which states:

"Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development."

It appears that in the Parish Council's view there is a perceived extant problem with the width of the footpaths, narrow footpaths occur over a substantial portion of Harlington village and indeed many other villages. It is considered that the implementation of the current proposal with the nominal form of development proposed does not justify widening the footpath, is not directly related to the development and certainly not fairly and reasonably related in scale and kind to the development.

• **Flooding**

The Parish Council's assertion that the development of this site will result in flooding elsewhere is incorrect, the land has been tested for percolation and the area evaluated specifically with flood risk in mind. Neither the Environment Agency nor the Water Authority has objected to the development, it is understood that infrastructure was put in approximately twenty years ago to alleviate flooding in other areas of the village.

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• **Urban vs Rural Setting**

Objective examination of the surrounding levels of development with specific regard to density establishes that whilst the application site itself is open, the surrounding development is urban in form similar to the rest of the village albeit the whole village inset within a rural environment.

• **Refuse and Emergency Vehicles**

Detailed examination of the plans clearly indicates refuse storage and collection. Moreover, the principal vehicular access has been specifically designed to accommodate both entry and turning of refuse vehicles. The secondary access (a private drive) is provided with a bin collection point adjacent to the back end of the footpath with the refuse vehicle parked in the road as is the norm.

• **Various**

No comment, already adequately addressed by the Arboriculturist and Trees and Landscape Department of the Local Authority.

• **Consultation Process**

Irrelevant, this matter has now been resolved.

To summarise, no new detailed data or substantiated evidence of relevance has been introduced by the Parish Council that has not already been taken into account by your Authority and their Consultees.

This is an opportunity for Harlington to secure a good mix of much needed housing including smaller units suitable for accommodating single persons/couples with the majority designed to Lifetime-Homes standards rather than the norm for recent development in the village (ie Kent Close) which has been large family homes.

In particular, the proposal provides 4 no. Affordable Homes, which can be used for local people who are in need of housing and provides a substantial financial contribution to community infrastructure in accordance with your Adopted Policies.

No doubt the Planning Committee Council's will have received a full copy of the Parish Council's representations, we would be obliged if you could ensure our representations are also circulated.

Please do not hesitate to contact us should you wish to discuss this matter further.

Yours sincerely

L. Blake

PP
RICHARD P SHEEN
Enc
cc Hearne Holmes

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Item 7 (Page 43 - 52) – CB/11/03833/CA – Hillside, 32 Sundon Road, Harlington, Dunstable, LU5 6LS

Refer to item 6.

Item 8 (Page 53 - 62) – CB/12/03129/FULL – Little Park Farm, Station Road, Ampthill, Bedford, MK45 2RE

Additional Consultation/Publicity Responses

A letter was received from the Agent on behalf of the applicant commenting upon the contents of the Committee Report, these comments are points of clarity which were raised within the letter, the headings of the sub section relate to the sections within the letter, and the text is the officer response to the points raised:

Current State of Site:

The site appears to be used as a builder's storage yard; it also appears to have been constructed as an agricultural building. The site in probability has a commercial use on it, however this has not been regularised, and therefore it is a matter of judgement. The planning policy officer did give comments which largely related to the commercial use within the countryside and it being more appropriate than a residential use within the site. However it is my opinion that within the Green Belt the use of buildings should be retained for agriculture and a commercial use may be acceptable should the agricultural site be redundant. This is in accordance with the National Planning Policy Framework. The location of new dwelling houses should be within settlements, as settlements provide residential accommodation which have accessible services and therefore result in sustainable development.

Planning Policy:

Pre-application advice was sought, which concluded that this development would be unlikely to receive officer support, it is considered that this recommendation is in accordance with the advice previously given, all pre-application advice is officer opinion and does not constitute a decision. The site has been built on and is used for commercial purposes, originally with an agricultural use. However for planning purposes the National Planning Policy Framework defines "Previously developed land" as:

*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. **This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.***

The National Planning Policy Framework states that this development would therefore not be on “Previously Developed Land”. When pre-application advice was given it stated that Very Special Circumstances would need to be demonstrated, as it was considered to be inappropriate to build new dwellings within this location.

The whole of Section 9 (Protecting Green Belt Land) was considered as part of this application, this includes Paragraph 88, which specifies “Very Special Circumstances”. It was considered on balance that the “Very Special Circumstances” which were presented to the Council as part of this application did not outweigh the policy presumption against the development. Impact upon the surrounding Listed and curtilage Listed buildings, reduction in size of the building, removal of the building (in relation to neighbouring amenity), removal of a commercial activity from the site, and the unsightly condition of the surrounding area were all considered, however they were not deemed to outweigh the harm to the Green Belt, by allowing a new dwelling house.

Heritage:

The Conservation Officer has expressed concerns relating to the design of the proposed dwelling house. The dwelling house is not considered to be sensitive enough in design or massing to the locality, as the bulk is still on larger proportions when considered in the context of the slim traditional conversions which are on this site. However it is judged that it would not have a greater impact upon the Listed and curtilage Listed Buildings than the utilitarian building currently on the site. No reason for refusal on heritage or design grounds have been recommended, this is due to the neutral impact upon the important heritage assets adjacent.

Additional Comments

Amendment to “Reason for Committee Call in” – Please note that it was Councillor Duckett whom called the application in for the reason stated.

Additional/Amended Conditions

No additional or amended conditions.

Item 9 (Page 63 - 70) – CB/12/02845/FULL – The Pastures, Lower Stondon, Bedford, SG16 6QB

Additional Consultation Responses:

Six additional letters of objection have been received that do not raise issues not addressed in the report.

The Stondon Residents for Centrally Place Community Facilities have submitted a letter of objection supported by 120 signatures. The letter reads as follows:

FORMAL OBJECTION

Re: Planning Application No: CB/12/02845/FULL – The Pastures, Lower Stondon, Bedford, SG16 6QB

I wish to lodge a formal Objection to the above planning application on the following grounds:

1) Legal Objections and Material Considerations

S. 38(6) of the Town and Country Planning Act 1990 states:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Objection relating to a previous S.106 Agreement for Hillside Road

The proposed site is already subject to an outstanding section 106 agreement, S.106 money having already been given to Stondon Recreation Association for a floodlit multi-purpose playing surface. This application, if approved, could lead to the residents of Stondon not only ‘paying’ twice for a MUGA but also being subjected to further development, if the related planning application **CB/12/02929** (97 houses) was approved.

The S.106 agreement between Stondon Recreation Association and David Lewis Simkins and Hazel Parrish dated 29.11.1995, stipulates that the SRA is:

“4.2 To provide a floodlit multi-purpose playing surface area on part of the Green Land within one year of the payment of the Agreed Sum by the Owners to the Council...”

5.1 to provide a floodlit multi-purpose playing surface area on part of the Green Land within one year of the payment of the Agreed Sum by the Owners to the Council”

On completion of the development linked to the above S.106, Stondon Recreation Association received the sum of £30,000 from Mid Bedfordshire Council for the above purpose. The siting of the floodlit, multi-purpose playing field was to be in a similar location to that now being proposed by Bovis.

In addition the ROSS (still the current document for Recreation and Open Space) published approx. 10 years after the monies were given, writes of the Hillside Road site:

“The new recreation ground, recently constructed, goes some way to meeting the NPFA standard for outdoor sport in the parish in quantitative terms. There is, however, a need to provide suitable court space on the site to improve the variety of facilities available locally. The need for additional pitch space in the future to fully meet the NPFA standard for outdoor sport will be an issue for future review of the strategy.”

To date the SRA have not built the MUGA despite receiving the funds specifically for this as part of a legally-binding obligation. In addition, in the years following this report and its recommendation to *“provide sports court provision at the new Recreation Ground,”* they have neither made any attempt to provide this or the five-a-side pitch space on this site.

My understanding is that Officers in Central Bedfordshire Council are aware of this agreement and are currently considering how these unspent monies should be allocated. Whilst this is under investigation, there is a danger that the granting of approval for this planning application may therefore result in frustration (or annulment under section 9.1) of the S 106 agreement. This would be unfair on the residents of Stondon who accepted development linked to the original S.106 in good faith, believing that they would receive the promised ‘planning gain’.

Similarly, failure to carry out enforcement on the previous S.106 agreement may place the Council at risk of legal challenge or at the very least complaints to the LGO for maladministration.

This matter must be brought to a lawful conclusion to prevent further money being spent where it is not considered necessary (see **Appendix A**). The outstanding £30,000 of ‘restricted funding’, which was supposed to provide leisure infrastructure for the enjoyment of villagers, needs to be recovered and spent appropriately and fairly.

Material Considerations and Significant Departure from Policies

This planning application **must** be considered in conjunction with planning applications **CB/12/02812** and **CB/12/02929**, since it relates to a further alleged ‘planning gain’ for Site Allocations DPD policy **HA28: Land Rear of Station Road and Bedford Road, Lower Stondon**. Should planning permission be granted for this application, there is not only a danger that this would ‘pave the way’ for the related proposal for 97 houses, but would also set a precedent for the principle of the substitution of on-site

'planning gain' on HA28 for off-site facilities; when there appears to be no justification for this other than profit. This would be extremely divisive and add to the already acute sense of there being two separate communities within Stondon with little in common and an unbalanced distribution of infrastructure. As a consequence, this application is **socially unsustainable** and not only runs counter to policy HA28 but also to the National Planning Policy Framework (NPPF), which seeks to promote a healthy and 'just' society in which community and leisure infrastructure is accessible to all (see also policies CS2, CS3; particularly paras. 4.4.3 & 4.4.4).

The proposals go against my understanding of the Council's own adopted Central Bedfordshire (North) Site Allocations DPD; policy HA28 which refers to "*commensurate community facilities*" linked to "*Land Rear Of Station Road Lower Stondon Henlow SG16 6JQ*" – not to an unrelated location 1 mile away from the HA28 site. The on-site benefits referred to in policy HA28 might have mitigated to some extent the impact of an additional 70 houses (or less) on residents living to the East of Stondon. The removal of virtually all on-site "*commensurate community facilities*" to an off-site location which takes East Stondon residents between 15 and 40 minutes to reach on foot; is **socially unsustainable** and therefore at odds with one of the basic principles of the National Planning Policy Framework and with policy CS2, since developer contributions delivered off-site will do nothing to alleviate the inequitable distribution of community facilities in the village which will be exacerbated by any new housing. It is also at odds with the 'Planning Obligations and Community Infrastructure Levy' (see P.47 the Core Strategy and Development Management Policies)

Policy CS3: Healthy and Sustainable Communities

Para 4.4.1 "*The LDF can assist by making provision for new open space, leisure and community facilities through new development and by protecting existing facilities.*"

Para 4.4.3 "*One of the key requirements for community facilities is that they are located where they can be accessed easily by local people. This would normally be within the settlement and allow for users to travel to the facility by means other than a car.*"

The proposed site is situated at one end of a ribbon settlement. With no footpaths to provide a shortcut from one end of the village to the other, walking to this site from the most populated end of the village is a distance of approx 1.75 miles. The only walk-able route is along the A600 (Bedford Road), along another busy and congested road (Station Road), across/past a dangerous mini roundabout and along another narrow, congested road (Hillside Road). There are no traffic calming or road safety measures along the whole of this route and no school crossing patrol. It is doubtful whether teenagers would bother to undertake this unpleasant walk from the East of the village. Indeed, the site has been completely devoid of people every time I have visited it and in the evening, the entrance is used by a group of young adult males in cars who appear to be just 'hanging around' smoking. This is quite intimidating and would discourage other users. It is, however, to be expected, given the secluded location of this site at the extreme North West end of the village.

The submissions fail to demonstrate that the Applicant has carried out "*further assessment work*" with the whole community to determine the "*commensurate community facilities*" as stated in policy HA28. In late 2010 a survey of all residents in Stondon was carried out at the request of Central Bedfordshire Council. This survey was to form part of the "*further assessment work*" to identify what the village wanted in relation to this site. The results of this survey appear to have been ignored by both CBC and the Applicant. The release of the village plan – a further opportunity for residents to give their views about community facilities - has been delayed until the end of September with the landowner/agent/developer apparently making no attempt to obtain this data either.

Furthermore, Bovis did not approach the Parish Council until after the village had been leafleted, the landowner having determined the '*community benefits*' at a 'closed' meeting held on 23rd January, 2012 in the Golf Club, to which only selected individuals were invited and who had been given no remit from their various grass-roots members.

Additionally, many residents receiving the Bovis brochures were denied the opportunity to take part in the Bovis 'consultation' (described by them as an "exhibition") because the leaflets gave the impression that planning permission had already been obtained and, as a consequence, most of them did not attend the exhibition or provide any feedback. The Advertising Standards Authority is currently investigating this aspect of the Bovis publicity materials.

The way in which consultation has been carried out in relation to this site is deeply flawed and goes against the Council's own Statement of Community Involvement which states that for developments of more than 10 houses consultation must be "*carried out at the earliest stage*", "*must optimise community benefits as part of the development*" and "*must engage with hard to reach groups*".

Residents have now twice submitted their views on what leisure facilities and infrastructure they would like and many residents worked hard to distribute surveys and questionnaires only for the Applicant to maintain that it has been difficult to determine residents' wishes when I personally made them aware of the existence of both sets of data at the Bovis exhibition and Curtin & Co assured me that this would be chased up and taken into consideration.

Additional Comments

None

Additional/Amended Reasons

None

Item 10 (Page 71 - 78) – CB/12/02846/FULL – Land South of Station Road and West of Three Star Park, Lower Stondon,

Additional Consultation/Publicity Responses

15 additional consultation responses have been received that do not raise issues not already addressed in the report.

The Stondon Residents for Centrally Placed Community Facilities has submitted a letter of objection supported by a petition of 101 signatures. The letter reads as follows:

FORMAL OBJECTION

Re: Planning Application No: CB/12/02846/FULL – Access Path and Parking for Allotments (Land South of Station Road and West of Three Star Park)

NB. This planning application must be considered in conjunction with **CB/12/02812**, and **CB/12/02845** as they all relate to alleged 'community benefits', should planning permission be granted for application number **CB/12/02929**.

I wish to lodge a formal Objection to the above planning application on the following grounds:

1) Legal Points

a) S. 38(6) of the Town and Country Planning Act 1990 states:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

b) “S. 23 subsections (1) & (2) Small Holdings and Allotments Act 1908

The law relating to the provision of allotments is covered by the Smallholding and Allotments Act 1908. Stondon Parish Council is under a legal obligation to “*provide a sufficient number of allotments*” if “*six Parliamentary electors make representations to the municipal authority, expressing a demand for allotments*”.

If Stondon Parish Council vote to approve planning permission for this access road and, by implication, the allotments; this could be viewed by the public as accepting a 'gift' from Bovis in exchange for development. Stondon Parish Council is under a legal duty to provide allotments if there is the necessary demand without being seen to be 'bartering' with developers or even passively allowing this to happen.

2. The application is premature as no decision has been made by Stondon Parish Council on the appropriate site for allotments and demand for allotments is unclear

Although the subject of allotments has been under discussion by the Parish Council for some time, the owner of the allotments land did not officially proffer this site for allotment use until February, 2012. This is minuted under item 833 of the minutes from the Feb, 12 full P.C. meeting:

“D Simkins outlined an offer to the Parish Council for a plot of land for allotment use, leased for 99 years. His only stipulation was that the land be used solely for allotments and that it would not be built on by either party. Mr Simkins confirmed that there would be no strings attached to this offer.”

Under item 842f) of the same meeting it was resolved to set up an allotments working party:

“To set up a working party consisting of Councillors and Members of the Stondon Allotment and Leisure Gardeners Association (SALGA) to investigate possible sites within Stondon with a view to purchasing, on the open market, sufficient land to provide allotments for those who have requested them; and to liaise with CBC and NSALG in order to ensure that any action taken by the working party is lawful, transparent and in the best interests of the parishioners of Stondon. In the event of land being offered to the Parish Council for allotment use, the working party will work towards a contract which ensures that any offer is solely an act of generosity towards the village and is made without strings attached”

Although the landowner insisted that there would be “no strings attached” he returned to the March meeting and stated (under item 849): *“David Simkins confirmed that he would be compensated by John Boyle for the use of his land for allotments. He informed the meeting that the land offered would provide 32 allotments and space for an access track.”*

Since then, as far as I am aware, no decision about the most appropriate site for allotment use has ever been made – either by the Allotments Working Party or by the Parish Council - Minutes can be checked at: http://www.stondon-pc.gov.uk/files/index?folder_id=4239253

Additionally, a promising alternative site in the vicinity of Derwent Lower School (and therefore easily accessible to Stondon Residents) is also under discussion and members of the Allotments group have been made aware of the following email from the Clerk of Henlow Parish Council dated 30th August, 2012 (email thread included as **Appendix A**):

“.....HPC are in the process of acquiring the land from CBC. Our bid has been successful and the sale of the land is with CBC’s Legal Department and our Solicitor. It is intended for community use, and we hope to include provision of allotments. It may be a bit premature at this stage to talk actual numbers but I have confirmed to Stondon PC that we would be more than happy to discuss further once we have more definite proposals. I have asked them to confirm the demand from residents in Stondon, and we will endeavour to accommodate them once HPC have acquired the land. We will certainly consider applicants from Stondon. Kind regards – Bert”

There are around 45 people on the SALGA waiting list but many of these are couples wishing to share a single plot and many others originally stated that they only wish to have a half or quarter plot. (As I was a founder member and at first kept up the waiting list, I had access to this information and plot requirements was one of the first things new ‘members’ were asked.) The Chair of SALGA (who was one of those attending a meeting on 23rd January, 2012 with the developer to determine how the ‘planning gain’ should be spent) has refused to hold a meeting since May to gather the views of members (whose views were also not gathered before the closed meeting with the developer). (**Appendix B**)

An email to the Clerk of Stondon Parish Council to ask how many individuals had officially registered their interest in a possible allotment on either of the two sites mentioned above was more successful and I received an immediate response stating that none had made representations. (**Appendix C**)

Not only does there not appear to be any official demand for allotments but this application is premature and appears to have been rushed through before a Parish Council vote on allotment sites.

3. This application is against Central Bedfordshire’s policy HA28 and their Community Engagement Strategy.

A condition for any planning application related to this site was that the “commensurate community facilities” would be “identified through further assessment work”.

As explained above, the exact demand for allotments has not yet been determined and yet the Applicants are stating that access will be provided for 60 plots. Where is the evidence that 60 plots will be needed?

One of the various versions of the draft lease between the landowner and Stondon Parish Council that I have seen allows the "Landlord" to repossess the land if the "Tenant" fails to maintain his/her plot. An excess of plots might lead to the repossession of this land by the "Landlord" and because the lease agreement seems to imply that the landowner would retain ownership of this land, this could hardly be described as a 'Community benefit' to the village and S.106 monies should, in my view, not be spent in this way.

My attempts to obtain further details about the nature of the 'deal' between Simkins, John Boyle and Bovis, leading to the current situation in which Bovis (as opposed to the landowner) now appears to be 'offering' allotments as part of S.106 monies, have been unsuccessful and I would urge both Officers and elected members to seek answers to any of the questions in my email of 24th August, 2012 which they consider relevant to deciding this application (see **Appendix D**)

In addition, the proposed allotment site is, as with other alleged 'community benefits', outside the borders of the site described in policy HA28. All "*commensurate community facilities*" should, in my view, remain within the boundaries of this site for the benefit of both the new and existing community and should be determined by them.

The landowner has already built an access road without planning permission and is currently approaching residents (from his neighbour's land) on the Western boundary of Three Star Park to ask them how high they want their boundary fence. He has assured many of them that the allotments, development, access road and parking will all definitely go ahead. He appears to have also instigated a petition within 3-Star Park informing residents that "*if they didn't accept allotments they would get more housing*". This has served to increase many residents' anxieties and confuse them as to the true 'state of play'.

In late 2010 a survey of all residents in Stondon was carried out at the request of Central Bedfordshire Council. This survey was to form part of the "*further assessment work*" to identify what the village wanted in relation to the policy HA28 site. The results of this survey appear to have been ignored by both CBC and the Applicant. The release of the village plan – a further opportunity for residents to give their views about community facilities - has been delayed until the end of September with the landowner/agent/developer apparently making no attempt to obtain this data either.

Additionally, many residents receiving the Bovis brochures were denied the opportunity to take part in the Bovis 'consultation' (described by them as an "exhibition") because the leaflets gave the impression that planning permission had already been obtained and, as a consequence, most of them did not attend the exhibition or provide any feedback. The Advertising Standards Authority is currently investigating this aspect of the Bovis publicity materials.

The way in which consultation has been carried out in relation to the whole of this site, including the position of potential allotments, is deeply flawed and goes against the Council's own Statement of Community Involvement which states that for developments of more than 10 houses consultation must be "*carried out at the earliest stage*", "*must optimise community benefits as part of the development*" and "*must engage with hard to reach groups*". Residents have now twice submitted their views on what leisure facilities and infrastructure they would like and many residents worked hard to distribute surveys and questionnaires only for the Applicant to maintain that it has been difficult to determine residents' wishes when I personally made them aware of the existence of both sets of data at the Bovis exhibition and Curtin & Co assured me that this would be chased up and taken into consideration.

4. Impact on neighbours

The people most affected by this application would be those living to the Western border of Three Star Park. The map supplied by Bovis in their application plans is outdated and in fact there are more neighbouring park homes than indicated, since Ting Dene have put additional plots all along their Western perimeter. These newer plots in the Northwest corner of the park were advertised by Ting Dene as having an open aspect and providing a safe and enclosed residential enclave for the over 50s. Whilst I am aware that there is no planning 'right to a view', I do feel that the application may be at odds with S.4.11 of CBC's Core Design Guide which states:

“Consider the area within 250 – 500 metres of the site. It may be necessary to consider a longer distance in some places, to establish whether any proposed development would have a detrimental effect on the skyline of the settlement, or obscure views of for instance a church tower.”

These residents are in many cases, elderly and vulnerable, have a heightened fear of crime and are currently experiencing problems with villagers of all ages using the ‘park’ as a thoroughfare to walk their dogs. Others are trespassing across the proposed allotment site because of the lack of a shortcut from the East to the West of the village. The building of an access road across the HA28 site (without planning permission) has worsened this situation, since residents believe that this new road must lead somewhere. Although no planning permission has been granted, there are now regular visits from vehicles travelling along this path close to residents’ homes. This has increased Three Star Park residents’ anxiety about crime and loss of privacy, since their homes are raised from the ground and the inside of some homes are visible from where the proposed allotments and existing ‘access road’. Furthermore, the neighbours have raised concerns to the parish council about bonfires, rubbish and the visual aspect of allotments, were they to become neglected.

The combined impact of simultaneous development to both the immediate North and West would cause extreme stress and worry for many of the residents which makes this proposal **socially unsustainable** and goes against the principles of the National Planning Policy Framework. It heightens the problems of an already vulnerable and fearful group of parishioners. In my view, the disadvantage caused to this group outweighs any benefit to those seeking allotments. The site for allotments can be moved very easily. It is not so easy for the residents of Three Star Park to move. This is at odds with CBC policy CS3 as it does not meet the needs of the entire community.

5. Planning History

There appears to be some planning history relating to attempts to build on or near this site and I refer you to policies H208 and H209 from the Site Allocations: Stondon – Issues and Options Consultation document dated February 2008. (**Appendix E**). It appears that same landowner offering the allotment site has previously applied to have two sites included in the final version of the Site Allocations document. H208, in particular, relates to a proposal for a mobile home development on the Western boundary of Three Star Park (for an unspecified number of park homes). The location of that proposal is where the southernmost 30 plots on this application lie; and perhaps an ‘overprovision’ of allotment plots could be viewed as a step towards the resubmission of this, and possibly other, planning applications in this vicinity.

I therefore feel that, if allowed, questions need to be asked about his offer of an allotment site in this particular location, as it is not difficult to see that the creation of a road from the HA28 site onto his (currently landlocked) land could pave the way for further unsustainable development in the village and a further overall loss of agricultural greenbelt land.

6. Highways

Creating a vehicular access road and parking for allotments, even for only an additional 10 cars, will nonetheless exacerbate the problems on Station Road, when added to the possible 150 – 200 cars arising from a development of 97 houses. These additional cars will be entering and exiting the road from a junction with poor sight lines onto a poorly-marked B road which already has problems with speeding vehicles. Vehicles emerging from the site will have to negotiate children walking to and from Stondon Lower School, traffic and pedestrians visiting the G.P. surgery and heavy goods vehicles travelling East/West.

The resulting increase in car use would be counter to the NPPF guidance for mixed-use settlements; CBC policies CS3, CS4, DM4, DM9; the aspirations of the targets of Bedfordshire and Luton Casualty Reduction Partnership of which CBC are a key stakeholder and:

- Sustainable Communities Directorate Plan 2009/10, items 6 & 8
- Sustainable Modes of Travel Policy
- Policy for Sustainable Development to incorporate Travel Plans
- Department for Transport’s policies for Delivering a Sustainable Transport System (DaSTS)

6. Design

It appears that the Applicant has made little effort to apply the principles embodied in Central Bedfordshire Council’s Core Design Guide to this or the related applications (in particular, **CB/12 02929**). For example, S.2.13 of the Guide states:

“In all cases developers will need to justify their approach through a careful appraisal of context as summarised in the diagram on pages 06-07 and sections 3.00 and 4.00 of this Guide, and then the adoption of placemaking and sustainability principles as set out in section 5.00.”

Just a few examples are:

- they have made no attempt to gather information from either the neighbours or the experienced gardeners wishing for allotments which might have steered them away from spending money in this location.
- this site is subject to a prevailing westerly wind which dries out the soil and would make it much more difficult to cultivate vegetables that require a lot of watering. The plans do not include any design features which would mitigate the effects of the wind, such as windbreaks (hedgerows or trees). (Core Design Guide: 6.07 Creation of Shelter and Habitats)
- the Applicant appears to have failed to consider this wind as a possible source for small-scale energy production, eg. for pumping water, etc. or look at the possibility of retaining water on site (Core Design Guide: 6.10A and CBC policies CS13 & DM2)
- the community neighbouring the proposed site are the very least able to cope with change, loss of privacy or any adverse impact (real or perceived) on crime in the immediate vicinity; yet the Applicant has proposed nothing to mitigate the effect on this group, such as visual screening or intruder deterrent planting (Core Design Guide: 6.22 and CS3 & DM3)
- the proposed allotment site may not have the ‘critical mass’ of users to justify the disruption caused to neighbours and may therefore become a ‘white elephant’ of underused and abandoned plots, leading to vandalism and the possible ‘clawing back’ of the land by the landowner (CS14 and DM3).

Although I am in principle very much in favour of allotments and other local food production initiatives, I feel that I must object to this application because I simply cannot support the use of this site for the purposes outlined and believe that allowing an access road from one landlocked greenfield site onto a further landlocked greenfield site is a dangerous precedent to set in such an over-developed village like Stondon.

Additional Comments

None

Additional/Amended Reasons

None

Item 11 (Page 79 - 88) – CB/12/02812/FULL – Village Hall, Hillside Road, Lower Stondon, Henlow, SG16 6LQ

Additional Consultation Responses:

Five additional letters of objection have been received that do not raise issues not addressed in the report.

The Stondon Residents for Centrally Place Community Facilities have submitted a letter of objection supported by 121 signatures. The letter reads as follows:

FORMAL OBJECTION

Re: Planning Application No: CB/12/02812/FULL – Single storey side extension to village hall, new parking area & change of use of public open space to school playing field use.

I wish to lodge a formal Objection to the above planning application on the following grounds:

1) Legal Objections and Material Considerations

S. 38(6) of the Town and Country Planning Act 1990 states:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Important

This planning application **must** be considered in conjunction with **CB/12/02929**, since it relates to an alleged ‘planning gain’ for Site Allocations DPD policy **HA28: Land Rear of Station Road and Bedford Road, Lower Stondon**. Should planning permission be granted for this application, there is not only a danger that this would ‘pave the way’ for the related proposal for 97 houses, but would also set a precedent for the principle of the substitution of on-site ‘planning gain’ on HA28 for off-site facilities; when there appears to be no justification for this other than profit. This would be extremely divisive and add to the already acute sense of there being two separate communities within Stondon with little in common and an unbalanced distribution of infrastructure. As a consequence, this application is therefore **socially unsustainable** and not only runs counter to policy HA28 but also to the National Planning Policy Framework (NPPF), which seeks to promote a healthy and ‘just’ society in which community and leisure infrastructure is accessible to all. (see also policies CS2, CS3; particularly paras. 4.4.3 & 4.4.4).

Planning History

With regard to the proposed Stondon Recreation Association ‘land swap’, in March 2010, a planning application (CB/10/00704) to build a purpose-built building for Stondon Stompers on Designated Recreation and Open Space was refused by the Council’s Planning Department for various reasons but one legal issue was that the Charities Commission refused to alter the SRA’s charitable Scheme to dispose of recreation ground for other purposes. In order to obtain permission to do this, the SRA would “*need to make a case that the land is not needed and would not be needed for the term/length of the lease*” (see letter from Charities Commission – **Appendix A**)

The wording on the orange-coloured, rectangular area on the proposed block plan (marked “*SRA agreed area of land for school use*”) clearly indicates that the SRA intend to enter into some kind of agreement with the Village Hall Committee, Stondon Stompers, the landowner/agent/Bovis to ‘swap’ an area of Stondon’s Recreational Open Space with the school, which is not within their remit. Furthermore, although the plan implies that this is a ‘swap’ in fact, the SRA intention is to dispose of this land, so that the village hall can gain additional parking.

I copy below an extract from a recent email from the Charity Commission:

- 1. Regardless of the purposes (objects), all charities have access to various statutory powers enabling them to undertake disposals, whether by sale, lease, or exchange, of land held by or on behalf of that charity. These powers vary from charity to charity, **based on their individual purposes, their governing documents and the specific nature of the trusts effecting the land in question.** In some circumstances charities can dispose of land without any reference to the Commission, provided their trustees can comply with the requirements of section 117 to 123 of the Charities Act 2011 - in other circumstances disposals could only occur via an Order of the Commission. Exchanges of land (swaps) are a form of disposal where a charity exchanges one area of land for another **of at least equal value.** Any charity, regardless of its purposes, can undertake such an exchange simply on the basis that there is no loss to the charity and because the charitable trusts relating to the original land transfer automatically to the land received in exchange - no consents or authorities are required from the Commission in relation to such exchanges, provided the land received is of at least equal value to the land being exchanged by the charity.*
- 2. The decision on undertaking any form of disposal rests exclusively with the trustees of the charity concerned, however this is subject to any relevant provisions within the charity’s governing document - for example any provisions requiring the consent of a ‘General Membership’ at a General Meeting, **usually found in the ‘Dissolution’ section of a charity’s governing document,** would still apply where exchanges rather than sales/leases were concerned. Where such provisions exist, it is for those constituting the ‘General Membership’ to make the final decision - if they choose not to engage to the extent technically possible, then they leave it to those who do attend and vote to make the final decision. This is ultimately a democratic process, with which the Commission could not interfere - because it would have no legal authority to overturn the decision of those who participated and voted either way”*

The SRA’s governing Scheme (**Appendix B**) does not give it the right to dispose of its land and there is no section on **‘Dissolution’**.

The proposed land ‘swap’ area is within a designated Open Space Sports and Recreation area, as defined in the PPG17 Study carried out in 2005. The current boundaries on the LDF map of Stondon

published in November 2009 originated from the Recreational Open Space Strategy (ROSS) produced in 2001 and updated in 2005. (**Appendix C**) The table on P.1 (reproduced below) shows a considerable deficit of outdoor sport (-1.11 ha) and amenity open space (-0.86 ha) in the village. Following the adoption of the Core Strategy in Nov, 2009 the deficit of outdoor sport became even greater, since Annex E (P.203) of this document states that there should now be 1.8 ha of outdoor sport per 1000 pop. This proposal, if granted, will increase the existing deficit and is at odds with policy CS3.

		Local Plan	Current Provision	Surplus/Shortfall
Children's play	0,7 per 1000 pop.	1.27	1.38*	0.11
Outdoor sport	1.7 per 1000 pop.	3.09	1.98	-1.11
Amenity open space	0.8 per 1000 pop.	1.46	0.60	-0.86
allotments	0.34 per 1000 pop**	Waiting list (28)	0.00	?

* this figure is incorrect since Station Road is listed as having 0.50ha when in fact it only has 0.145 ha.

** taken from Annex E: Core Strategy and Development Management Policy, Nov 2009

In addition **Policy DM5: Important Open Space** states that:

"Redevelopment or partial development of an Important Open Space will only be considered favourably:

- *Where proposals would result in enhanced provision in functional terms (both the facility itself and its location)*
- *Where there are exceptional circumstances resulting in overall community benefit"*

I maintain that there are no exceptional circumstances in this case; which would warrant the loss of what little open and recreational space we have.

and

Policy DM17: Accessible Green Spaces states:

"Planning applications that contain proposals that would adversely affect existing accessible green space will not be permitted."

The sole beneficiaries of the planned 'swap' are Stondon Stompers, of which only 21 pre-schoolers and 5 staff reside in Stondon. I am not aware of any cost benefit analysis having been carried out to justify the level of spending against any benefit the proposed plans might bring to all villagers; but it is clear that the land swap (which is essentially recreation land for parking), if approved, will result in an overall loss to the village and may not be allowed by the Department of Central Bedfordshire Council responsible for school fields.

The proposed land swap is therefore against policy CS3, DM3, DM5 and DM17 of the Core Strategy and Development Management Policies.

2. Further Significant Departure from Policies

The proposals go against my understanding of the Council's own adopted Central Bedfordshire (North) Site Allocations DPD; policy HA28 which refers to "*commensurate community facilities*" linked to "*Land Rear Of Station Road Lower Stondon Henlow SG16 6JQ*" – not to an unrelated site 1 mile away from the HA28 site. The on-site benefits referred to in policy HA28 might have mitigated to some extent the impact of an additional 70 houses (or less) on residents living to the East of Stondon, The removal of virtually all on-site "*commensurate community facilities*" to an off-site location which takes East Stondon residents between 15 and 40 minutes to reach on foot and is impossible for elderly residents to access; is **socially unsustainable** and therefore at odds with one of the basic principles of the National Planning Policy Framework and with policy CS2, since developer contributions delivered off-site will do nothing to alleviate the inequitable distribution of community facilities in the village which will be exacerbated by any new housing. It is also at odds with the 'Planning Obligations and Community Infrastructure Levy' (see P.47 the Core Strategy and Development Management Policies)

The submissions fail to demonstrate that the Applicant has carried out "*further assessment work*" with the whole community to determine the "*commensurate community facilities*" as stated in policy HA28. In late 2010 a survey of all residents in Stondon was carried out at the request of Central Bedfordshire Council. This survey was to form part of the "*further assessment work*" to identify what the village wanted in relation to this site. The results of this survey appear to have been ignored by both CBC and the Applicant. The release of the village plan – a further opportunity for residents to give their views

about community facilities - has been delayed until the end of September with the landowner/agent/developer apparently making no attempt to obtain this data either.

Furthermore, Bovis did not approach the Parish Council until after the village had been leafleted, the landowner having determined the '*community benefits*' at a 'closed' meeting held on 23rd January, 2012 in the Golf Club, to which only selected individuals were invited and who had been given no remit from their various grass-roots members (**Appendix D**).

Additionally, many residents receiving the Bovis brochures were denied the opportunity to take part in the Bovis 'consultation' (described by them as an "exhibition") because the leaflets gave the impression that planning permission had already been obtained and, as a consequence, most of them did not attend the exhibition or provide any feedback. The Advertising Standards Authority is currently investigating this aspect of the Bovis publicity materials (**Appendix E**).

The way in which consultation has been carried out in relation to this site is deeply flawed and goes against the Council's own Statement of Community Involvement which states that for developments of more than 10 houses consultation must be "*carried out at the earliest stage*", "*must optimise community benefits as part of the development*" and "*must engage with hard to reach groups*". Residents have now twice submitted their views on what leisure facilities and infrastructure they would like and many residents worked hard to distribute surveys and questionnaires only for the Applicant to maintain that it has been difficult to determine residents' wishes when I personally made them aware of the existence of both sets of data at the Bovis exhibition and Curtin & Co assured me that this would be chased up and taken into consideration.

The proposed extension to the village hall (which is currently a multi-use, shared facility) will result in a reduction in the overall indoor community space accessible to the general public and will effectively 'privatise' a facility intended for the "*inhabitants of Lower Stondon*" (Rands/Village hall lease). Furthermore, the reduced WC and kitchen facilities would make the hall less attractive to the community as a whole. I also note that the plans provided suggest the loss of a fire escape.

The numbers gaining from this extension total 26 Stondon residents, ie. 21 pre-schoolers and 5 staff; weighed against the 8 – 10 organisations and members who also regularly use this hall (possibly totalling 100 – 200 hundred individuals). As with the land swap, I am not aware of any cost benefit analysis having been carried out to justify the level of spending against any benefit the proposed plans might bring; but it is clear that this extension will use up considerable 'S. 106 planning obligations' monies from the HA28 site (if approved) and that there will be a net loss to the inhabitants of Stondon if this extension is approved. (see **Appendix F**). This will have an adverse effect on the health and well-being of residents, will further erode social cohesion in an already divided village and is at odds with the Council's own policies CS3, CS14, DM3 and possibly DM17.

Finally, this building is not currently owned by the community but by the Rands Educational Foundation and there are only 19 further years of the lease with Rands to run. (**Appendix G**) Apart from the possible legal implications surrounding ownership of the hall, I am unconvinced that monies spent in this way can be described as 'community gain' in the sense that it will provide 'the community' with an asset in perpetuity. For this reason this application runs counter to the Council's Planning Obligations Guidance which seeks to create "*sustainable communities...that will stand the test of time*" and "*will make unacceptable developments acceptable in planning terms*"

Further considerations

The assessment of the traffic implications of the development should be elaborated upon to include consideration of the relationship between cars leaving the site at the same time as cars leaving driveways on the opposite side of Hillside Road. The position of the vehicular access to the site would change and there would, occasionally be situations where cars were trying to leave at the same time as cars from opposite houses. This would be potentially frustrating for road users, especially in the context of how heavily the road is used at school drop off and collection times. The situation, though, would not be significantly different to the existing situation at the site and in any event would not be materially harmful.

It should also be noted that no car park lighting is proposed and if it were, a new planning application would be required that be assessed on its merits if submitted.

Additional Comments

None

Additional/Amended Reasons

None

Item 12 (Page 89 - 102) – CB/12/02568/FULL – Twin Acres, Hitchin Road, Arlesey, SG15 6SE

Additional Consultation/Publicity Responses

91 additional representations have been received since the officer's report was published. In some cases, a number of representations have been sent by the same person. Included in those who have written to the Council objecting to the planning application are Alistair Burt MP and Ickleford parish Council.

The Town Council also wrote to express its objection to the revised proposals.

Around 500 individually signed copies of a standard letter declaring 'I/we, the undersigned, agree with the ARA (Arlesey Resident's Association) in objecting to any additional Gypsy sites in Arlesey have been received.

Amendments to the committee report

Conditions 5 and 6 as set out in the report should be deleted and replaced with the following condition:

5. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (1) to (4) below:

1. within 3 months of the date of this decision:

- a scheme for improved visibility splays at the site showing minimum dimensions of 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 215m measured from the centre line of the proposed access along the line of the channel of the public highway and;
- a scheme showing that , gates provided at the access to the site shall be set back a distance of at least 15m from the near side edge of the carriage way of the adjoining highway and shall open away from the highway

shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation (hereafter referred to as the site development scheme).

2. within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision

within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

3. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
4. the approved scheme shall have been carried out and completed in accordance with the approved timetable

Reason: In the interests of highway safety.

Conditions 7 and 8 should be read as conditions 6 and 7 respectively.

Additional Comments

None

Additional/Amended Reasons

None

Item 13 (Page 103 - 118) – CB/12/02894/FULL – Land west of Larksfield Surgery, Arlesey Road, Stotfold, Hitchin, SG5 4HB

Additional Consultation Responses

Public Protection Contaminated Land Pollution Team - No comments to make

Additional comments

Julia Scott Landscape Officer CBC

Suggest a simple timber fence with hedgerow planting.

The design and location of the toilets is a concern especially in relation to Arlesey Road and entrance to the village – suggest planting to screen the toilets of advanced stock to create an instant screen to enhance landscape character,

Additional/Amended Reasons

None

Item 14 (Page 119 - 140) – CB/12/03000/VOC – Market Garden Nurseries, 64 High Road, Beeston, Sandy, SG19 1PB

Additional Consultation/Publicity Responses

Photos sent by a neighbour wishing to speak at committee

Junction of Orchard Rd, Footpath 40 and The Green



Blind Bend on Footpath 40



Highways Agency additional comments –

The Highways Agency are already in discussions with the Developer and his current proposal is to start on site about March or April next year enabling completion within 8 to 12 weeks. The Highways Agency cannot insist this shall be the sole means of access to the development either during or after the highway improvements.

The Highways Agency suggest the following:

Within 9 months from the date of this approval the access improvements from the A1 as detailed on drawing numbers 101 P1; 100 B; and the Stage 2 Road Safety Audit reference 11119-JJF- S2RSA-B (February 2012) and approved by the local planning authority on 06.06.2012 in connection with planning application reference CB/11/01546/FULL shall be fully completed. Thereafter the new access shall serve as a "left in" only to the development when used. Egress to the A1 via the access during or after implementation of the Highway improvements will not be permitted.

Reason: To ensure that the A1 will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980; for the safety of traffic on that road.

Letter received from the applicant's agent, which applies to all four applications for this site on the agenda:



dynamic development solutions TM

Our reference: **PJ/BE1316/6**
19th November 2012

D A Lamb – Planning Manager (East)
Development Management
Central Bedfordshire Council
Monks Walk
Chicksands
Shefford
Bedfordshire
SG17 5TQ

Dear Mr. Lamb

Beeston Timber Yard, 64 High Road, Beeston – Variation of Planning Condition Applications Reference CB/12/03000/VOC, CB/12/03047/VOC, CB/12/03046/VOC and CB/12/03045/VOC

I write as the Agent dealing with the above planning applications on behalf of B G Timber, which are to be considered by the Development Management Committee at its next meeting on 21st November 2012.

We have now had chance to review in detail the (4 no.) reports relating to the applications, and we are writing to outline both our concerns over the analysis brought to bear by Officers, and our disappointment at the way in which these applications are being dealt with by the Council, despite the clear and express wishes of our client to have the applications considered on the basis on which they were made.

It is we believe essential that the following two points in particular are reviewed by the Council's Legal Team, and I also request that a copy of this letter is passed to Members of the Committee and they be informed of the processes and events which have taken place leading to its production.

Scope of Section 73 Applications

I attach for reference purposes a copy of Section 73 of the Town and Country Planning Act 1990 below:-

- 73 Determination of applications to develop land without compliance with conditions previously attached.
- (1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
- (2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning 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.
- (3) [F1] Special provision may be made with respect to such applications—
- (a) by regulations under section 62 as regards the form and content of the application, and
- (b) by a development order as regards the procedure to be followed in connection with the application.]
- (4) This section does not apply if the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired without the development having been begun.
- [F2] (5) Planning permission must not be granted under this section to the extent that it has effect to change a condition subject to which a previous planning permission was granted by extending the time within which—
- (a) a development must be started,
- (b) an application for approval of reserved matters (within the meaning of section 62) must be made.]

DLP Planning Ltd
2nd Floor, 8 Goldington Road, Bedford, MK40 3NF
t 01234 221 420
f 01234 353 715
e group@dipconsultants.co.uk
www.dipconsultants.co.uk

Offices also at: Bristol, Cardiff, Reading and Sheffield
Registered Office: 4 Abbey Court, Frasar Road,
Priory Business Park, Bedford MK44 3WH (Reg. No. 2604863)
A list of directors is available for inspection at the registered office.

Section 73(2) of the Act is very clear that when considering such applications the Local Planning Authority (LPA) shall consider the question of the conditions subject to which planning permission should be granted only.

As such, there is an error in the assertion in the Officer's assessment of the issues in this respect, which was repeated to me in an email on the matter last week, this stating:-

"The Encyclopaedia of Planning Law and Practice advises that for Section 73 applications local planning authorities are required to consider only the question of the conditions subject to which planning permission should be granted, but that this does not prevent them from looking at the wider consideration affecting the grant of permission. Case law dictates that the authority may be unrestricted in its consideration of the full planning merits of the application, and the result of a successful application under Section 73 is a wholly new permission."

Based on the wording of the Act, we are of the view this interpretation is in error.

We are seeking on behalf of the client to vary and remove conditions – this does not and cannot change the original permissions (which will still subsist in any event) and does not allow unrestricted consideration of all of the matters considered in their original determination. We accept that conditions can be reconsidered where directly relevant to the variation/removal sought, but not as stated or as Members are being, incorrectly, informed such that the Authority may be "unrestricted in its consideration of the full planning merits of the application".

It is also we believe an error in law and an incorrect interpretation that the principle matters of an application already consented and implemented can be revisited via a Section 73 application.

Such a stance is we believe *ultra vires*, and potentially challengeable at appeal and via the Ombudsman.

Is the proposed access condition on the four Section 73 applications reasonable in all respects?

Whilst Section 73 provides the LPA with power to reconsider conditions (as above), such a reconsideration is bound by policy advice in the same way as the imposition of conditions is.

In this respect it is considered that the imposition of conditions restricting the point of access to a site in a section 73 applications considering only hours of use of machinery and delivery, as well as storage heights, are not reasonably or fairly related to the issues in contention.

Furthermore, as the condition would be inherently more restrictive and onerous than the condition placed on the original permission, and again accepting that if the conditions for additional storage height and hours/use of machinery are never implemented the proposed condition fails to bite, it is highly likely an Inspector would find the condition unreasonable on that basis also.

As the validity of the original planning permission for the use of the site as a timber yard, which was not challenged, will remain whatever the outcome of these applications, this is a highly pertinent material planning consideration.



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Finally, we consider the condition as worded, requiring the *completion* of works within a set timeframe and in part out-with the control of our client, to be unlawful. There is no absolute obligation in planning law which requires any development to be completed by a certain time. Given the lack of any requirement on the original application for the use of the timber yard to use the A1 access as the sole access to the site, in this sense for deliveries, this further suggests the imposition of the proposed condition would be unreasonable.

Such a condition appears to flies in the face of guidance in Circular 11/95, and may also be *Wednesbury* unreasonable in its application.

Conclusions

In conclusion, the stance of the LPA is factually and materially incorrect. It is highly regrettable that these simple applications are being progressed on this basis, when there are no legitimate material planning policy or other considerations to indicate that they can only be made acceptable in planning terms by proceeding on this basis.

As it stands, we fear Members are being incorrectly advised and this could potentially form a very serious Ombudsman complaint, which we are in reality, keen to avoid.

I look forward to receiving your response regarding the above before the Committee Meeting and once you have received legal advice.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Paul Johnson', written over a faint horizontal line.

Paul Johnson MA (Cantab) MA TP MRTPI
Associate Director

Additional Comments

The report makes reference to HGV movements for the commercial timber use would likely be 2 – 3 per week. This is based on the information provided with the original application. However, in their appeal for application CB/11/03441/VOC, the applicant advised that two HGVs per day would leave the site shortly after 6.00am.

Additional/Amended Reasons

None.

Item 15 (Page 141 - 158) – CB/12/03046/VOC – Market Garden Nurseries, 64 High Road, Beeston, Sandy, SG19 1PB

Additional Consultation/Publicity Responses

Highways Agency additional comments –

The Highways Agency are already in discussions with the Developer and his current proposal is to start on site about March or April next year enabling completion within 8 to 12 weeks. The Highways Agency cannot insist this shall be the sole means of access to the development either during or after the highway improvements.

The Highways Agency suggest the following:

Within 9 months from the date of this approval the access improvements from the A1 as detailed on drawing numbers 101 P1; 100 B; and the Stage 2 Road Safety Audit reference 11119-JJF- S2RSA-B (February 2012) and approved by the local planning authority on 06.06.2012 in connection with planning application reference CB/11/01546/FULL shall be fully completed. Thereafter the new access shall serve as a "left in" only to the development when used. Egress to the A1 via the access during or after implementation of the Highway improvements will not be permitted.

Reason: To ensure that the A1 will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980; for the safety of traffic on that road.

Additional Comments

The report makes reference to HGV movements for the commercial timber use would likely be 2 – 3 per week. This is based on the information provided with the original application. However, in their appeal for application CB/11/03441/VOC, the applicant advised that two HGVs per day would leave the site shortly after 6.00am.

Additional/Amended Reasons

None

Item 16 (Page 159 - 174) – CB/12/03047/VOC – Market Garden Nurseries, 64 High Road, Beeston, Sandy, SG19 1PB

Additional Consultation/Publicity Responses

Highways Agency additional comments –

The Highways Agency are already in discussions with the Developer and his current proposal is to start on site about March or April next year enabling completion within 8 to 12 weeks. The Highways Agency cannot insist this shall be the sole means of access to the development either during or after the highway improvements.

The Highways Agency suggest the following:

Within 9 months from the date of this approval the access improvements from the A1 as detailed on drawing numbers 101 P1; 100 B; and the Stage 2 Road Safety Audit reference 11119-JJF- S2RSA-B (February 2012) and approved by the local planning authority on 06.06.2012 in connection with planning application reference CB/11/01546/FULL shall be fully completed. Thereafter the new access shall serve as a "left in" only to the development when used. Egress to the A1 via the access during or after implementation of the Highway improvements will not be permitted.

Reason: To ensure that the A1 will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980; for the safety of traffic on that road.

Additional Comments

The report makes reference to HGV movements for the commercial timber use would likely be 2 – 3 per week. This is based on the information provided with the original application. However, in their appeal for application CB/11/03441/VOC, the applicant advised that two HGVs per day would leave the site shortly after 6.00am.

Additional/Amended Reasons

None

Item 17 (Page 175 - 192) – CB/12/03045/VOC – Market Garden Nurseries, 64 High Road, Beeston, Sandy, SG19 1PB

Additional Consultation/Publicity Responses

Highways Agency additional comments –

The Highways Agency are already in discussions with the Developer and his current proposal is to start on site about March or April next year enabling completion within 8 to 12 weeks. The Highways Agency cannot insist this shall be the sole means of access to the development either during or after the highway improvements.

The Highways Agency suggest the following:

Within 9 months from the date of this approval the access improvements from the A1 as detailed on drawing numbers 101 P1; 100 B; and the Stage 2 Road Safety Audit reference 11119-JJF- S2RSA-B (February 2012) and approved by the local planning authority on 06.06.2012 in connection with planning application reference CB/11/01546/FULL shall be fully completed. Thereafter the new access shall serve as a "left in" only to the development when used. Egress to the A1 via the access during or after implementation of the Highway improvements will not be permitted.

Reason: To ensure that the A1 will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980; for the safety of traffic on that road.

Additional Comments

The report makes reference to HGV movements for the commercial timber use would likely be 2 – 3 per week. This is based on the information provided with the original application. However, in their appeal for application CB/11/03441/VOC, the applicant advised that two HGVs per day would leave the site shortly after 6.00am.

Additional/Amended Reasons

None

Item 18 (Page 193 - 222) – CB/11/02261/OUT – Land at Pratts Quarry north of the A505, known as Pulford Corner, Leighton Linlade

Additional Consultation/Publicity Responses

Highways (15/11/2012)

I have reviewed the Traffic Assessment for the above application and confirm that I am content that it is a fair representation and that the development will not cause an undue problem on the public highway.

However, at the time of the outline planning application for the surrounding area (land south of Leighton Buzzard) improvements were identify to public transport and sustainable modes of transport to mitigate against congestion. This equated to approximately £1580 per dwelling. This development should also make a contribution towards improving sustainable modes of transport and public transport and it would be appropriate if this sum was used for this development.

The proposed development will be taking access from a development already proposed within an application but not yet constructed. For completeness I question if the red line should extend all the way to the public highway (namely Billington Road). Failing this I do not see how the means of access can be secured or conditioned. However, this is an outline planning application with all matters reserved with exception to the above I confirm that all other highway matters can be dealt with within a detailed application and for that reason I would not want to restrict the above application.

Environment Agency (12/11/2012)

Officers have been engaged in recent discussions with the Environment Agency regarding EA's recommended Condition 2 in their previous response. This condition

required that development should not commence until the adjacent lake for surface water attenuation is fully operational. In light of the concerns raised in relation to this condition, as set out in Section 3 of the Considerations section of the Committee report, EA recommend that the following condition be imposed as part of any permission granted:

Prior to the occupation of the site, and until such a time that the waterbody proposed to receive surface water from this site (known as "Pratt's Pit Water Park") has been appropriately designed to do so and is fully operational, an interim plan for the management of the surface water drainage system from this site shall be submitted in writing to and agreed with the Local Planning Authority. Such a plan shall include details regarding proposed maintenance regime, timescales involved, responsible parties, and emergency contact details.

Reason: To reduce the risk of flooding from surface water as a result of the development by ensuring the drainage system is maintained appropriately.

Additional Comments

Informal open space and amenity land

Recommended Condition 13 requires the submission of a scheme for the laying out, landscaping, maintenance and management of all of the areas of informal open space and amenity land forming part of the development site, including that under the overhead pylons crossing the site. It is considered that the laying out of these areas should be secured as part of a Section 106 Agreement. This would provide a robust method of ensuring that the informal open space and amenity land are laid out to an acceptable standard within a suitable timeframe. This would be consistent with the approach taken in relation to the area traversed by overhead pylons on the adjacent Site 15C, which is also subject to Section 106 controls.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

As noted within the Committee report, this application was submitted in combination with the applications for residential development at Land South of Pages Field Sports Ground and Land at Stanbridge Road. While the proposed developments by themselves are unlikely to have significant effects on the environment, as none of these sites are environmentally sensitive, the Council has issued a screening opinion (CB/11/00968/SCN refers) which sets out that the Pulford Corner, Pages Field and Stanbridge Road proposals represent EIA development which should be accompanied by an Environmental Impact Statement. This is due to the cumulative scale of the developments proposed when considered with the Southern Leighton Buzzard and East Leighton Linslade urban extensions, the relationship between the Pulford Corner proposal and the minerals restoration plan for Pratt's Quarry, the associated implications for the drainage of the site and the potential environmental consequences. As stated within the Committee report, the applications relating to residential development at the Pages Field and Stanbridge Road sites have now been formally withdrawn. Having regard to the accompanying Environmental Statement and its addendum of June 2012 which have been submitted in support of the Pulford Corner application, it is considered that there are no undue adverse impacts upon the environment, or other matters of acknowledged importance. Accordingly, the Reasons for Granting should be amended to read as follows:

The proposed residential scheme would be inappropriate development within the Green Belt. However, having regard to the provisions of the Southern Leighton Buzzard Development Brief (2006); the Unilateral Undertaking of the adjoining residential development at Site 15C-D allowed at appeal; that the limited importance of the area to the long term Green Belt is therein acknowledged; the bringing forward of the provision of access to Astral Park proposed community facilities for the locality; the bringing forward of access to Billington Road for pedestrians and cyclists; and the securing of essential contributions required for the larger urban development, it is considered that, on balance, very special circumstances exist which are sufficient to clearly outweigh the harm to the Green Belt arising from the development and the loss of part of the Proposed Area of New Urban Open Space. Having regard to The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the Environmental Statement and its addendum of June 2012 which have been submitted in support of the application, it is considered that there are no undue adverse impacts upon the environment, or other matters of acknowledged importance. The proposed development is capable of achieving an acceptable scheme in terms of the impact upon the character and appearance of the locality and incorporating adequate landscaping, road, cycle and footpath routes, parking, amenity areas and residential mix. The proposal is therefore in conformity with Supplementary Planning Guidance contained within Central Bedfordshire Design Guide: A Guide for Development 2010, the Council's Planning Obligations SPD, the development plan policies comprising the East of England Plan (May 2008), the Milton Keynes & South Midlands Sub-Regional Strategy, the Bedfordshire Structure Plan 2011, the South Bedfordshire Local Plan Review and national guidance contained in the National Planning Policy Framework.

Additional Condition

Prior to the occupation of the site, and until such a time that the waterbody proposed to receive surface water from this site (known as "Pratt's Pit Water Park") has been appropriately designed to do so and is fully operational, an interim plan for the management of the surface water drainage system from this site shall be submitted in writing to and agreed with the Local Planning Authority. Such a plan shall include details regarding proposed maintenance regime, timescales involved, responsible parties, and emergency contact details. The development shall then be carried out in accordance with the approved interim drainage plan.

Reason: To reduce the risk of flooding from surface water as a result of the development by ensuring the drainage system is maintained appropriately.

Item 19 (Page 223 - 234) – CB/12/03697/FUL – Land Adj to 2 Sandy Lane, Leighton Buzzard, LU7 3BE

Additional Consultation/Publicity Responses

Objection Letter dated 7/11/12 rec'd on 8/11/12
No 8 Sandy Lane

- **We feel that the application is not in keeping with the road.** This is due to the fact that a bungalow with garaging already occupies the plot and along the road are immediately houses with garages. The "land adjacent" is in fact the

property's garden which is more than useable for its purpose. Removing its garaging is clearly not in keeping.

- **We are very concerned about the effect on traffic and in particular to road safety.** As you know there are a large number of properties and a school in Sandy Lane. Therefore extra vehicles entering and exiting from the proposed new bungalow into Sandy Lane will create even more traffic onto an already narrow road that is not even wide enough for vehicles to park either side and have enough room for a vehicle to pass in between. We note that the present bungalow seems to already have such little parking space – despite having a double garage and driveway - that vehicles are parked on the council verge between the road and the public footpath.
- **Concern over drainage.** The proposed property will be another draw on Sandy Lanes overworked drainage system which struggles with the amount of the large existing trees.
- **Excessive development.** On the 27th March 2011 we raised our concerns that if the Council were to grant the planning permission regarding the applicants wish to enclose land at the front that this could lead to the applicants then making further planning applications. This planning application quite clearly justifies our concerns and may still lead to more applications in the future. Again we feel the Council should be reminded of this possibility.
- **Finally the legality of two properties on one plot / if there is a restrictive covenant**

Objection Letter dated 13/11/12
21 Sandy Lane

- Amenity – adverse consequences on No 2 and No 4 Sandy Lane.
 - No 4 Sandy Lane there will be a loss of light to the side windows
 - Privacy to No 4 Sandy Lane
 - Development results a in a loss of amenity and useable garden to No 2 Sandy Lane
 - Design and lack of garden would seriously undermine the character and quality of the area and have a seriously adverse impact on Sandy Lane
- Design
 - Ref to The Design & Access Statement
 - It is considered that the design is not appropriate to the area of Sandy Lane and does not fit in with the 'vein of design' in the Lane
 - Sandy Lane is a mature prime residential area largely comprising of spacious individually designed homes
 - The proposal is classed as overdevelopment of the existing No.2 Sandy Lane plot and the development is being squeezed into an unsuitable area with a poor standard of design that is unsympathetic to the area and not in keeping with the ambience and quality of the property in the Lane
 - The proposal looks more like a holiday cottage or granny annex

- Highways

- Sandy Lane provides access to Sandy Lane and Carlton Grove and the Lane is the main route to Oak Bank School. The students are bussed in, arrive by taxi or private car.
- The newsagent on the corner of Sandy Lane and Heath Road opposite No 2 Sandy Lane also gives rise to traffic as a result of parking by customers. Double yellow lines were installed last year in an attempt to improve this area / junction. As the parking restrictions are not effectively enforced there is frequent congestion at the junction and in this corner area caused by badly and inappropriately parked vehicles which causes dangerous situations on the junction of Sandy Lane and Heath Road
- Currently the residents of No.2 Sandy Lane already find it necessary to utilise the two spaces they have on their plot and also park a vehicle on Sandy Lane adding to the congestion
- The plans and design and access statement indicate a 2nd proposed access to be constructed nearer to the junction and on site parking at both the existing and new proposed property.
- The new access will exacerbate the existing congestion at the junction and may only add to additional on street car parking from No.2 Sandy Lane and the proposed dwelling
- Culmination of existing traffic and road problems together with the development causes concern for what is already a dangerous junction due to its high traffic flow route for the residents, school, the newsagents on the corner etc

Committee

- Wishes to register to speak at Committee

Objection Letter dated : 19 November 2012

1) Access to Sandy Lane

Access to Sandy Lane is already very difficult due to parked cars opposite the entrance to No 2 Sandy Lane and consequently the lane is only wide enough for one vehicle to proceed at a time. The proposed new entrance to No 2 is to be situated even closer to the junction with Heath Road and would cause even more congestion than at present. The double yellow lines opposite No 2 are not being enforced and visitors to the newsagent frequently park there. The congestion is particularly a problem between morning and afternoon/evening rush hours. At these times the minibus traffic to and from Oak Bank School causes further congestion and potentially dangerous situations when trying to turn left from Heath Road into Sandy Lane. By supporting the construction of a new entrance at such close proximity to the junction with Heath Road it appears that the LBC Highways Department may not have taken full account of these facts.

2) Design

The design of the proposed new building does not keep "within the vein of design" of the vast majority of the buildings in the whole of this prime residential area. In fact the ONLY building in the road that has been referred to as being of similar size to the proposed dwelling is the single terrace of three small cottages which were built

before Sandy Lane was developed with a mixture of larger properties on substantial plots. The Design and Access Statement describes the new development as being "of a modest size and nature" which is totally out of character in this prime residential road.

3) Proposed plot

The Planning Statement states that the proposed small dwelling is to be built in the "area of garden almost unused and not of benefit to No 2 Sandy Lane" while the Planning Application states that the site where the proposed dwelling is planned is currently used as the garden and garage for No 2. It appears that the above statements are contradicting each other, resulting in the conclusion that the proposed site is not currently "almost unused" when the planned site is in fact the area of the double garage and almost half of the existing garden of No 2.

The proposed development would be a serious over development of the plot of No 2 resulting in a small two bedroom dwelling with a garden of minimal depth as described in the Application. The proposed new development would also result in No 2 losing a substantial part of their garden area which again will not be in keeping with this prime residential area. This development could in no way "enhance the local area" as stated in the Planning Statement but in my view would have quite the opposite effect.

Additional Comments

None

Additional/Amended Conditions/Reasons

None

Item 20 (Page 233-245) – CB/12/01812/FULL – Recreation Ground, The Rye, Eaton Bray

Additional Consultation/Publicity Responses

Objection from 11 Green Lane (received 06/11/12) as follows:

- the EB Lions published a notice on their website stating that planning permission had been granted.
- questions validity of support petition put forward by the E B Lions

Objection from 30 The Rye (received 06/11/12) as follows: I strongly object to these plans because I believe the recreation ground should be available for the use of the whole village not just a select few. Also parking is already a problem on match days with cars on pavements so pedestrians have to walk in the road. And why on EB Lions website does it claim to have received formal planning permission already, when they clearly have not.

Objection from 25 Wallace Drive (received 14/11/12) as follows: How can anyone fence off part of a village green legally.

'Representation by the Parish of Eaton Bray' together with a petition of approximately 216 names - received 16/11/12 presented by Mrs R Archer.

30 Totternhoe Road (received 19/11/12) objection with regard to:

- contravenes Village Green status
- parking issues
- noise levels due to proposed operating times
- unacceptable floodlighting
- all weather facilities available in Leighton Buzzard and Dunstable

Additional Comments

The planning application was registered on 06/06/12, consultation letters were sent to addresses in close proximity of the Green on this date, giving the standard 21 days consultation period.

Two site notices were erected and the application was publicised in the Leighton Buzzard Observer and Dunstable Gazette on 27th June.

No request was made for a larger site plan. Full details of the floodlighting included within the application documents on the Council's website. The demolition of the pavilion was agreed much later in the application in order to secure more parking spaces.

The references made to points of law with regard to the Village Green Act are separate from the Town and Country Planning Act and such, cannot be given consideration in the determination of the planning application.

Amendment to report with regard to number of objectors: 35 letters/e-mails objections received.

Additional Conditions

Before development begins, a scheme for the method of surface water/storm water drainage shall be submitted and agreed in writing by the Local Planning Authority.

Reason: To ensure suitable provision is made for surface water drainage.