

## **LATE SHEET**

### **DEVELOPMENT MANAGEMENT COMMITTEE – 02 MARCH 2016**

#### ***Item 7 (Pages 15-36) – CB/15/03693/FULL – 101 Ampthill Road, Flitwick, Bedford, MK45 1BE.***

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

None.

##### **Additional Comments**

Revised plans have been received showing amended access arrangements to the neighbouring petrol station. The Highways Officer has confirmed that he is satisfied with the revised plans.

It is confirmed that the application site is within the ward of Flitwick. Flitwick Town Council was consulted on the proposal, but no reply was received. Ampthill Town Council represents the adjoining ward.

The agent has provided minutes of a meeting of Flitwick Town Council at which pre-application discussions took place and requested that they be circulated, these are attached.

An error was made in the drafting of the report in paragraph 2.4. The report states “policies CS14 and DM3 of the South Bedfordshire Local Plan Review”. However, it should state “policies CS14 and DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (North)”.

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

Now that the revised plans have been received and accepted by the Highways Officer, recommended Condition 12 is no longer required and should be omitted.

Recommended Condition 20 should be amended to reflect the revised plans. The following amended condition is recommended:

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 17158-1001.1, 17158-1001.2, 1853 S001 Rev A, 1853 PL001 Rev A, 1853 PL002 Rev A, 1853 PL003 Rev A, 1853 PL004 Rev D, 1853 PL005 Rev A, 1853 PL006, 1853 PL007 Rev A, 1853 PL008 Rev A, 1853 PL009 Rev C, 141020-P-10, 141020-P-11, 141020-P-12, 17158/ 1002, 17158/1003, 17158/1004.

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

***Item 8 (Pages 37-64) – CB/15/03172/OUT – Land rear of 16-36 Newbury Lane, Silsoe, Bedford, MK45 4ET.***

**Additional Consultation/Publicity Responses**

Silsoe Parish Council

In the light of these comments and the objections received from local residents, the Parish Council subsequently agreed to strongly oppose the grant of planning consent for residential development.

If the application is being recommended for approval, the Parish Council will wish to make further representations to the Committee. It is hoped that Mr Shrimplin will be available.

Historic England (conclusions)

The Newbury Farm scheduled monument comprises a manorial complex consisting of two moated enclosures with associated fishponds, leats and water management systems. The scheduled monument is located c. 50m from the application site at its nearest point. There is significance in the high evidential and historic values of this monument. There is good documentation relating to the manor's history and development and very good survival of not only the main moat and island, but also the wider manorial site.

The National Planning Policy Framework Paragraph 132 - 134 requires any harm to have clear and convincing justification and to be outweighed by the public benefits of a proposal. This is required even if the harm is considered to be 'less than substantial', as we would consider is the case with this outline application. The Council is best placed to weigh up the public benefits of this scheme. Where harm is identified, consideration should be given to whether the same benefits could be delivered through a less harmful scheme (see below). In line with Paragraph 137 of the NPPF, opportunities should also be sought for the proposals to enhance or better reveal the significance of the designated heritage.

We do not object in principle to some development within the outline application site; however it is our view that this could be achieved through a less harmful scheme. There are several aspects of the masterplan that could be amended to better retain the open character of monument's setting and minimise the number of buildings in potential views from the monument itself. We would recommend amendments to reduce the scale and mass of development in the western and north-western parts of the application site.

This could be achieved by pulling back the building line in this area to respect the adjacent modern properties on the western side of the site, creating areas in the north-western corner which could accommodate the open and amenity spaces. Moving the single storey and lower scale buildings to the more sensitive areas of the site (the west and northwest) would reduce the potential visual impact of modern buildings in views from and towards the scheduled monument. Natural vegetation screening on the boundaries could also be utilised to break up and interrupt intrusive views.

## **Recommendations**

We would recommend the application is amended, as suggested above, in order to minimise the impact upon the setting of the nearby scheduled monument and reduce the level of harm to its significance.

If, notwithstanding our advice, the Council decides to approve the application in its current form, it should be satisfied that there is a clear and convincing justification for the harm, and that it is outweighed by the public benefits of the proposal.

The application site has a potential for below ground archaeological deposits which could be impacted by proposed development works. We would therefore recommend consultation is undertaken with the archaeological officer at Central Bedfordshire to discuss the need for, and scope of, any required archaeological works and mitigation.

## **Additional Comments**

### Housing Land Supply

Following the appeal decision at Henlow, the Council is no longer considered to have an up to date 5 year housing land supply.

As a result paragraphs 1.2 and 6.1 of the report are no longer accurate in that the Council cannot currently demonstrate a 5 year land supply and as a result policy DM4 cannot be considered to be up to date (NPPF para 49). Therefore in accordance with Para 14 of the NPPF, in weighing the benefits of the scheme against the impacts, significant weight should be given to the provision of housing and it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme.

### Historic England Objection

The objection received is noted however it is also noted that Historic England consider the matter can be addressed through detailed design. The application is in outline form and the objections are drawn on the basis of an indicative layout which would not form part of the approved plans. The concerns regarding the impact on the setting of the nearby SAM are noted however it is also noted that there is residential development closer to this asset than the application site. Furthermore the Council finds itself in a position of not being able to demonstrate a 5 year land supply and the provision of housing (including affordable housing) is considered to be a significant benefit and should be given significant weight. Therefore it is considered that public benefits outweigh the perceived harm caused to the setting. Historic England would be consulted on any reserved matters application proposing detailed designs.

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

Recommendation should reflect that the S106 will require the approval of a timetable for delivery of housing to ensure that the scheme delivers within the timeframe required.

***Item 9 (Pages 65-86) – CB/15/01739/FULL – Land adj to Popes Farm, 19 Tempsford Road, Sandy, SG19 2AE.***

**Additional Consultation/Publicity Responses**

Sandy Town Council

Sandy Town Council discussed this application at their meeting of the development Scrutiny committee on Monday 22 February 2016. They resolved to objection to the application on the grounds that site access is inadequate for the number and size of vehicles that would be entering the site and that the existing road is not of a suitable standard to support the vehicle movement been suggested. Members felt there was insufficient room on site to turn vehicles and that this location is too close to an existing traveller site. Members noted that the site was a classified Flood risk 3 area and that this had not been addressed in the application.

Members noted making a decision was made difficult due to the two contradicting acoustic reports provide with this and the previous application.

Highways

The applicant has submitted additional plans showing a vehicle towing a caravan entering/exiting the site and further information regarding the use of the site. There has been some concern over the width of the road and visibility at the access; at 4.8 and 5.0m width Georgetown is adequate for the passing of vehicles and the verge which is public highway extends 7.0m from the carriageway to the west (along the property frontages) which provides adequate visibility.

From the roundabout at Georgetown Road/Sunderland Road, the road bends to the north-west. Forward visibility is achievable at the bend for 19.0m plus which equates to a vehicle leaving Georgetown at 20mph which is acceptable as vehicles leaving will be deaccelerating to negotiate the bend in the road and junction after.

I have an issue with the further information; point 3 if the letter dated 3rd February 2016, which states the pitches will be for showpeople pitches. The location of the site at the end of a cul de sac and small area of the site is not suitable for showpeople pitches as there is not the area to accommodate the show vehicles which are also much bigger than the tracking diagram vehicle that has been submitted. This could lead to vehicles unable to negotiate the turning area at the cul de sac, reversing from the site, or parking in the turning area or along the public highway which will lead to obstruction to the free flow of traffic.

[Raised no objection subject to conditions]

LDF Team

This site was put forward for consideration for inclusion in the GTLP 2014 but was discounted at stage 2 the 2013 site assessment found the site did not meet the required standard for site allocation in regard to “Visual and acoustic privacy and visual amenity”:

“FAIL: on noise grounds- Noise from A1 road to east and Kennels to north highly likely to result in unacceptable noise levels which cannot be mitigated to meet the

council's noise standards. This cannot be adequately mitigated therefore this site is inappropriate for development".

The applicants have provided a noise assessment based on a re-design of the proposal with buildings on the eastern boundary providing a buffer to the remainder of the site. The close proximity of the partially elevated northern carriageway of the A1 at this point is clearly of concern, however the submitted noise study and mitigation measures appear persuasive and there are a number of other sites in this part of the authority area close to the A1 which operate successfully notwithstanding this proximity. I believe that the Pollution Team are now satisfied with the revised layout proposals with regard to "acoustics" and it would appear that the issue with regard to noise from the Kennels has not been raised as a factor by the Team, neither pollution as a reason for refusal.

The site is being proposed as a potential transit site. The applicant has confirmed that the intended use is for traveller stays of 28 days to 3 months, which is line with the Government's definition of Transit sites in their "Consultation on Implementing the Mobile Homes Act 1983 on local authority Gypsy and Traveller Sites - Summary of responses"(October 2010). The authority has no specific transit sites recognised at the current time and this creates difficulties in dealing with unauthorised encampments when there is a legal need to provide adequate transit or emergency sites in order to effect Section 62A of the Criminal Justice and Public Order Act 1994. Restricting the use solely to transit use would however appear to be both inappropriate and counter-productive in relation to meeting the need for a 5 year supply of permanent pitches. It is unlikely to be justifiable on appeal.

Access to the adjoining A1 is achievable in both directions within minutes and this is a considerable locational advantage, notwithstanding the immediate vehicular access to the site itself could be improved. The Stage 2 site assessment considered that the narrow access road "suggests this site would be inappropriate for development" but this was not a stated reason for discounting it. I agree, however, that the nature of this road and the proximity of the adjoining residential accommodation makes this site inappropriate for a travelling showpeople plot, which are in any event relatively well-provided for in this part of the authority area.

The edge of settlement location is clearly sustainable and removes the usual sensitivities regarding openness and effect on the countryside, although the proximity of the small number of residential properties adjoining will require both substantial screening and good site management.

#### Internal Drainage Board

No additional comments

#### Neighbour/Third party letters

3 letters from neighbours/interested parties have been received and 2 of these were also sent directly to Members. The comments made can be summarised as follows:

- Concerns over the well being of residents at 15, 17 and 19 Georgetown Cottages.
- Concerns over the accuracy of the application.

- Access is insufficient for large vehicles. The turning point must not be obstructed. Roads should be to an adoptable standard. Misleading tracking information has been submitted.
- Privacy impacts to 15 and 17 Georgetown Cottage due to closeness of the application site to these dwellings. Also impact on noise and light levels.
- Privacy impact to the site due to overlooking from 15, 17 and 19 Georgetown Cottages and footpath usage.
- 3 metre high wall will affect light to 17 Georgetown Cottages.
- Safety concerns over the access and septic tank on site.
- 3 pitch site is not a reasonable or relevant contribution towards pitches and land is more suitable for housing development.
- No adequate noise assessment submitted.
- No clarification on management arrangements for the site and its transit nature.
- The site is potentially contaminated and would require a full survey.
- Committee report drafted before the consultation period ended on 24 February. Does this mean that objections will not be considered?

Additional letter received from applicant's agent making 2 summarised points:

1. Noise Impact. Raised that the site is subject to background noise due to the proximity of the A1 and assume that the proposal will be considered in this context.
2. Impact on the Character and Appearance of the Area. Raised that the site previously contained buildings. Included photographs from the 1990s when the remains of the old buildings on site were being cleared adding that the proposed buildings and enclosure will not be alien in this location.

### **Additional Comments**

Para 5.4.

There is an omission from this paragraph and it should read:

'As stated already, the benefit of the scheme is the provision of a deliverable site providing pitches for gypsy and traveller accommodation and this has to be given significant weight. In considering the previous appeal decision at Twin Acres it is considered that the weight that should be attributed to the provision of pitches is significant to the extent that it should outweigh the impacts of the scheme. The impacts on neighbouring amenity and the character of the area are acknowledged in the report however the impacts would have to be considered to be significant and demonstrable to outweigh the benefits of pitch provision in the absence of a 5 year land supply'

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

6 Additional Conditions proposed:

#### Highways

The pitches shall not be occupied until the widened junction of the proposed vehicular access with the highway has been constructed in accordance with the approved details.

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

The proposed vehicular access shall be surfaced in bituminous or other similar durable material as may be approved in writing by the Local Planning Authority for a distance of 5.0m into the site, measured from the highway boundary, before the pitches are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

Any gates provided shall open away from the highway and be set back a distance of at least 11.0m from the nearside edge of the carriageway of the adjoining highway.

Reason. To enable vehicles to draw off the highway before the gates are opened

The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout, access width, turning area and parking areas illustrated on the approved plan No. S-421P/1A and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

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

#### Lighting

No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a proposed scheme of lighting at the site. the scheme shall consider accommodating the use of LED lighting technology and the works shall be carried out in accordance with the approved details prior to the use hereby permitted coming into effect and thereafter be retained.

Reason: To ensure the site is appropriately lit to the benefit of occupiers in the interests of ensuring no detrimental impact to the amenity of neighbouring residents or the character of the area.

#### Contaminated land

No development shall take place unless and until the following have been submitted to and approved in writing by the Local Planning Authority:

- a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.
- b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.
- c) Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before the use hereby permitted commences. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: The details are required prior to commencement to protect human health and the environment in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

### ***Item 10 (Pages 87-134) – CB/15/02916/REG3 – Land at Chase Farm, East of High Street, Arlesey.***

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

Further comments received from Councillor Chris Gravett representing Arlesey Town Council circulated by email to all Development Management Committee Members on 01-03-2016: -

Dear Councillors

As you will be aware, Arlesey Town Council has raised strong objections to the planning application CB/15/09216/REG3, on behalf of the residents of Arlesey, on what the Council believes are legitimate planning concerns as the application fails to meet the criteria set out by policy MA08 and the adopted Arlesey Masterplan. These are summarised below along with some conditions that we would like to be included the minimum requirement to go some way to addressing some of the residents' concerns should you be minded to approve the application. However, I would like to reiterate the Council's view that the application **should not** be approved in its current form.



The full text of our objections can be found at the following link ([http://www.arleseytc.co.uk/wp-content/uploads/2015/12/atc.reps\\_.cb\\_.15.02916.REG3\\_.17.12.15.pdf](http://www.arleseytc.co.uk/wp-content/uploads/2015/12/atc.reps_.cb_.15.02916.REG3_.17.12.15.pdf)) but I have summarised the key points as follows:

1. The policy MA08 under which this application is being submitted stipulates that a single relief road will be provided – the application considers only part of this road and, as such, cannot be considered to be in line with that policy.
2. The report to CBC's Executive Committee, dated 18<sup>th</sup> March 2014, stated that the road was intended to take traffic off the High Street and stipulated that planning applications should include Transport Assessments that would bring about nil impact. The assessments supporting this application make no allowance for the non-delivery of the western portion of the road and, as such, does not consider the increase in traffic that the High St would inevitably receive as a result of this road being built.
3. The Masterplan document also states that the LPA would need to be satisfied that, if the road was built in phases, measures should be put in place to prevent unacceptable levels of traffic on the existing road network – this application includes no such measures.
4. The Masterplan document states that there should be a "co-ordinated build programme" and an "infrastructure phasing programme" to be put in place for the development and no such plans have been published. Unless a phasing programme is in place ahead of development, the true impact of individual planning applications cannot be properly understood.
5. While there is reference to a new pedestrian crossing of the A507, there is no specific plan in place which, we believe, needs to be fully costed and planned as part of this application.

It is our view that these objections are sufficient enough to **reject the application in its current form** and we strongly urge the committee to do just that. However, in the event that the committee is minded to approve the application, we insist that the following conditions are put in place as a minimum.

1. The junction from the new road to the High Street (mini-roundabout) should not be opened up until the western portion of the relief road is in place. Failure to block this junction would lead to an unacceptable increase in traffic on the High Street.
2. A plan should be included to plan out how the road will be constructed. No construction traffic should need to use the existing road network in Arlesey and the road should be built from the A507 towards the High Street.

I request that, as this is an application for a road, that the chairman ensures a senior representative from highways/traffic is in attendance on Wednesday.

I hope that you will consider these representations favourable, and I will be in attendance at the meeting to answer any further questions you may have.

The above comments received summarise the points previously raised through the consultation undertaken for the application. Suggested condition 1 is discussed in para's 7.42 to 7.48 of the Officer Report. Suggested condition 2 is recommended as Condition 11 set out in the Officer Report.

Neighbour / Third Party comments:

1 letter received from a resident in Lyman's Road, Arlesey raising the following concerns: -

- Taking more quality farm land to build on
- Spoiling views and recreational areas
- We do not grow enough food to sustain our current population in this country so building more houses is reckless
- We cannot assume imports will always be available to make up the difference
- Once farm land is built on it takes huge effort to return it back to the previous state

### **Additional Comments**

A query has been received regarding the safety audit accompanying the Transport Assessment submitted with the planning application relating to the mini roundabout junction on the High Street. The Safety Audit was undertaken on the proposed single mini roundabout which is the scheme the subject of this application. Details of how this would ultimately tie in with the proposed western mini roundabout to create the central access referred to in the adopted Masterplan have been included in the application to demonstrate that the proposed junction would not prejudice this. The future double mini roundabout proposal will require its own Safety Audit to ensure the design is appropriate and meets highway safety standards.

The Safety Audit for this application recommended that a raised table, lighting and signage is implemented for this junction and to secure these details and compliance with the recommendations of the Safety Audit an additional condition is recommended below.

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

1 additional condition recommended:

Prior to commencement of the development hereby approved full details of the proposed new mini roundabout forming the junction between the proposed relief road and High Street including details of the raised table, lighting and signage as set out in the Safety Audit shall to be submitted to and approved in writing by the Local Planning Authority. The junction shall be constructed in full accordance with the approved details.

Reason: To ensure the junction meets the recommendations of the Safety Audit in the interests of highway safety in accordance with policies CS4, DM9 and policy MA8 of the Site Allocations DPD (2011).

***Item 11 (Pages 135-154) – CB/16/00038/FULL – Mentmore, 4 Greenfield Road, Pulloxhill, Bedford. MK45 5EZ.***

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

The presence of bats in the existing garage was cited in a number of objections. The applicant has carried out a 'Bat Survey' which has been assessed by the Ecology Officer. Their comments are below:

Hello Judy

Having read the bat report I note that further emergence surveys are recommended for the main house. The garage represents negligible interest for bats and as such I have no concerns over its proposed demolition. As there is a potential bat interest in the main house I would advise that a condition is placed on any permission granted to require two emergence / re-entry bat surveys are undertaken between the months of May and September prior to any works proceeding on the loft and dormer windows. The results of these surveys will, if necessary, inform any mitigation or licence application required to ensure no harm to a protected species.

regards

Liz Anderson MA, MCIEEM, CEnv Ecologist

**Environmental Policy Team**

Regeneration and Business Directorate

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**Additional/Amended Conditions/Reasons**

1 additional condition recommended:

Prior to commencement of works to the loft or dormer windows in the main house two emergence / re-entry bat surveys should be undertaken between the months of May and September. The results of these surveys will, if necessary, inform any mitigation or EPS licence application required to ensure favourable conservation status of a protected species is maintained.

Reason: To ensure existing habitats affected by development are managed effectively over an established period.  
(Section 11, NPPF)

**For Clarification by Officer:**

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.