

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 7 DECEMBER 2016

Item 6 (Pages 15-40) – CB/16/04121/REG3 – Silsoe Lower School, High Street, Silsoe, Bedford, MK45 4ES

Additional Consultation/Publicity Responses

The Council's Conservation Officer has made the following comments:

The D&AS (Fisher German, August 2016) & the Heritage Statement/ Assessment EDP, August 2016) fully explain the proposals for demolition of the existing school buildings & redevelopment for residential development of 14 no. dwellings & associated works. The Heritage Assessment at 6.4- it should be noted that there is a CA Character Appraisal- 2004 which is relevant to the application site.

No objection to demolition of the school buildings- so long as reclaimable elements are thoughtfully recycled as part of a sustainable development re-use programme. They are not heritage assets of particular interest.

The application is in outline- so design related information is limited, other than the indicative layout- a staggered linear form, within the elongated rectangular site boundary, with access from High Street at the east end of the site. This is a logical arrangement of the buildings, given the site constraints. Although the site boundary is contiguous with the northern boundary of the conservation area- & therefore, to some degree, within the setting, any impact or possible harm is much limited (by the houses in gardens of The Oaks/ High Street), so long as the scale/ massing of the individual proposed buildings & landscape treatment is compatible with this part of the village.

Additional Comments

The reasons for reporting the application to the Development Management Committee should include that the Parish Council has objected and that it is a major application.

Additional/Amended Conditions/Reasons

Item 7 (Pages 41-60) – CB/16/03048/FULL – Warehouse, Bonds Lane, Biggleswade, SG18 8AY

Additional Consultation/Publicity Responses

Councillor Lawrence

Palace Street should not be used for access. 3 houses overlooking across Bonds Lane could instead overlook Palace Street and all traffic access be from Bonds Lane.

Highways Officer

As you are aware, given the historic industrial use of the site located in the town centre there is no fundamental highway objection to the principle of the development. I acknowledge that parking is limited to a single space per unit but I am conscious that there is public parking available in the vicinity and there are parking restriction on the highways in the immediate vicinity. Furthermore and of importance I reference a recent decision of the Planning Inspectorate that found the centre of Biggleswade to be a sustainable location where occupiers of properties would not be solely reliant on private transport. I am therefore prepared to concede that parking, fully compliant with standards may be difficult to defend at appeal, especially where there is a parking space per property provided.

I note that the applicant has agreed to provide improvements to the width of the pedestrian footway along the Bonds Lane frontage of the together with improvements at the junctions of Station Road/Bonds Lane and Bonds Lane/Palace Street. I note also that the vehicle access arrangements now indicate that Palace Street is to be used for access only with a new exit onto Bonds Lane. This arrangement overcomes the issue of restricted visibility for vehicles emerging onto Palace Street and with a condition requiring measures to prevent vehicles exiting onto Palace Street I am content that the increase in traffic on Palace Street will not be significant.

Economic Development

I would object to the proposal on the grounds that it is contrary to the adopted town centre masterplan. The masterplan states that:

6.8.1 The Bonds Lane and Foundry Lane areas are a prime opportunity to expand the retail offer of the town centre.

6.8.2 The area has the ability to provide a well connected extension to the town centre with a range of uses and a new public space. There is potential for up to circa 4,200 sqm of retail and commercial/ leisure uses through the development of five key sites with residential and office accommodation on upper floors

The proposed development (site referenced as Site 7 within Key Area 4) was previously used for commercial use. Whilst I support residential development in this area it must be delivered in tandem with opportunity for retail or commercial expansion as per paragraphs 6.8.1 and 6.8.2 above from the adopted masterplan. This could include residential accommodation upper levels and some provision of retail or typical town centres uses at a ground floor level.

There is very little evidence (other than the retail letter on the application) that the site had activity been marketed for commercial uses- or even non B employment land uses. Which given the Town centre location I would expect. Whilst I note the economic impact of housing and positive regeneration impacts, I would be concerned over the loss of commercial floorspace, with out clear demonstration of no market demand or viability for other uses, which I do not believe has been made.

In terms of the town centre, I would note that our records show that the level of vacant units in Biggleswade is at the lowest it has been since Feb 2013, and combined with our Market Town Regeneration Fund, demonstrate the commitment and need to ensure our centres remain vibrant with a range of uses.

Waste Officer

The Council's waste collection pattern for Biggleswade is as follows:

- Week 1 – 1 x 240 litre residual waste wheelie bin, 1 x 23 litre food waste caddy
- Week 2 – 1 x 240 litre recycling wheelie bin, 2 x reusable garden waste sacks, and 1 x 23 litre food waste caddy.

Please note that bins are chargeable for all properties and developers will be required to pay for all required bins prior to discharging the relevant condition. Our current costs for these are: £25 +VAT per 240l bin, and £5 +VAT per set of food waste bins.

The above waste allocation is for houses. These bins should be stored in back gardens with access to the highway on collection day therefore it is recommended that there is access between the back garden and the highway. Footpaths are narrow therefore bins may present an obstruction to pedestrians if they are left by the highway. Bins could be presented on collection day in the front yards on the granite sett surface but it is not clear if there are railings in front of the properties which would prevent this.

For flats, communal waste provision is allocated on the basis of 90l per week per waste stream per property; therefore we would provide 2 x 240 bins for each residual and recycling to be collected fortnightly. A dedicated bin store should be provided that is within 10m of the point of collection, providing there are suitable dropped kerbs. The existing drop kerb will be suitable for collection crews to move bins to the collection vehicle.

Third Party letters:

5 letters of objection received raising the following:

- 9 parking spaces not enough.
- Land should be used as a surgery or dentist.
- Local parking restrictions are not enforced.
- Town centre needs better retail units and parking.
- Palace Street too narrow for delivery vehicles and inappropriate for access..
- Gardens should be removed to provide more spaces.

One letter of support stating:

- Area is an eyesore and will be improved.
- Could encourage further redevelopment
- Will help towards meeting housing targets.

Adjacent Sea Cadets building commented advising that no contact been made from developer regarding party wall or access for demolition. No assurances given RE

parking and security and there is little confidence of developer engaging prior to work starting.

Additional Comments

With reference to the comments relating to Economic Development. The concerns are noted and certainly the optimum use for the site would be a more mixed-use offering that would potentially be led by commercial floorspace. However consideration is given to the fact that the site has been vacant for a notable period it is unlikely that such a scheme is to come forward in what is a back of High Street location. The NPPF explicitly states that housing developments aid the vitality of town centres and the individual merits of this case show that the development would be an enhancement to the area and would make a contribution to the regeneration of this town centre area, potentially encouraging future proposals at other sites. It is not considered that there are justifiable policy reasons to refuse the application on the grounds of seeking mixed use or commercial development on the site.

Additional/Amended Conditions/Reasons

1. No dwelling shall be occupied until the junction of the proposed vehicular access arrangements from Palace Street and vehicle exit onto Bonds Lane have been constructed in accordance with the approved details shown on drawing number PL10E

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
(Section 4, NPPF)

2. No dwelling shall be occupied until the existing footway has been widened along Bonds Lane and at the junctions with Station Road and Palace Street as shown in blue on plan PL 1 0E have been constructed and the existing access onto Station Road closed as shown on the same plan.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
(Section 4, NPPF)

3. No dwelling shall be occupied until such time that measures to prevent vehicles entering the site from Bonds Lane and exiting the on-site parking area onto Palace Street have been provided in accordance with details to have been previously submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details and thereafter be retained.

Reason: To safeguard against improper use of the vehicle access in the interests of highway safety.

4. The new access shall not be brought into use until details showing the closing of any existing accesses within the highway frontage of the land to be

developed, not incorporated in the access hereby approved have been submitted to and approved in writing by the Local Planning Authority and the accesses have been closed in accordance with the approved details.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.
(Section 4, NPPF)

5. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

6. All areas for parking and storage and delivery of materials associated with the demolition of the existing buildings and construction of the development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

Reason: In the interest of highway safety and free and safe flow of traffic.

Item 8 (Pages 61-94) – CB/15/03850/FULL – Eversholt Beeches, Watling Street, Caddington, Dunstable, LU6 3QP

Additional Consultation/Publicity Responses

Andrew Selous MP for SW Bedfordshire

I am writing on behalf of a number of my constituents who have raised with me their objections to the above applications. The constituents all live near to this site and they feel that it will be inappropriate development which would be harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances, and the Green Belt boundaries should be altered only in exceptional circumstances. They have also stated to me that if a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a Traveller site, it should do so only through the planmaking process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a Traveller site only.

I also quote the following in a response to your Adjournment Debate which I led in Parliament on 12th October the minister for Housing & Planning said ' Last year the Government published revised planning policy for Traveller sites with the intention of ensuring greater fairness, of strengthening protection for the green belt, which we all value so highly, and of addressing the negative effects of the unauthorised development of land'

Last year the Government published planning policy for Traveller sites with the intention of ensuring greater fairness, of strengthening protection for the green belt, which we all value so highly, and of addressing the negative effects of the unauthorised development of land'

My constituents have said to me that CBC has a care of duty to all residents and they see no fairness at all in recommending these applications. The Price family on their second application admit they have 1 more static mobile home than their planning permission permits!! They are blatantly taking no notice of the laws and policies of this country.

You will of course recall all the other problems caused within my constituency of authorised and then unauthorised development of traveller sites.

I look forward to hearing back from you.

Phillips Planning Services (on behalf of residents living in the area) THIS REPRESENTATION IS IN FULL IN APPENDIX 1

The report to committee fails to apply Green Belt policy and the other significant policy constraints relevant to the proposal. Specifically the report fails to identify and assess the harm to the Green Belt and factors which support the development, and then balance these considerations, and only if harm is clearly outweighed by other considerations do very special circumstances exist.

The report is muddled in that it confuses very special circumstances with other considerations. The two main factors in support of the proposal (the shortfall in traveller pitches and the applicant's personal circumstances) are regarded as very special circumstances in their own right which they are not. Very special circumstances only apply if the totality of other considerations outweighs the harm.

We had reason to challenge an appeal inspector's decision where a similar error was made in the High Court in SB Herba Foods Ltd v SOS 2008 (**SEE APPENDIX 2**). The judicial review was successful and the appeal decision was quashed. Our view would be that the Committee report in its current form would be vulnerable to legal challenge for the same reasons.

This matter is critical to the determination of the proposal which has a complex policy background. Based on the information in the report, our view is that the correct approach to the proposal in summary should be as follows :

Harm

Harm to the Green Belt is significant.

Impacts on the visual appearance and landscape character of the Chilterns AONB are significantly adverse

The highways objection refers to the construction of an unauthorised access having already taken place directly into the application site.

Other Considerations

Shortfall of traveller pitches: a shortage of land supply will rarely if ever be sufficient to outweigh releasing open land in the Green Belt for development.

Personal circumstances: Government policy on travellers (PPTC 2015) clearly states that personal circumstances are unlikely to outweigh Green Belt considerations.

Undergrounding of electricity cables: no weight should be given to this as it is likely to be prohibitively expensive and the applicant has produced no evidence that the statutory undertaker responsible will agree.

Very special circumstances

Our view is that, based on the information in the report, the inappropriate development proposed creates significant harm to the openness of the Green Belt and creates other harm (adverse landscape impact and highways). This is not outweighed by the two main significant countervailing factors put forward by the applicant. Very special circumstances do not therefore apply and the application should be refused.

Retention of existing site (item 9)

Under the rules of condition precedent, it appears that the existing traveller site is currently unauthorised due to the occupants' failure to comply with conditions attached to their original planning permission. This means that the Council is required to look at the proposal afresh and determine if planning permission should be granted again or if enforcement action should be initiated given that the applicants are not immune under the ten year rule.

Restriction of commercial activities

Although recommended as conditions in both reports, this is largely worthless as I understand commercial activities have been carried out by the applicants on the existing site for several years with the Council not enforcing the matter. It can therefore be assumed that commercial activity will continue on both the existing and proposed site. This is a significant material consideration which weighs against both applications.

Additional Comments

Response to comments from Andrew Selous MP:

The Government Planning Policy for Traveller Sites, August 2015 states that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. This matter is considered in the report to committee.

The stance of the Planning Policy for Traveller Sites of ensuring fairness, protecting the Green Belt, and of addressing the negative effects of the unauthorised development of land, are acknowledged. This application does not involve the unauthorised development of land. The issues of fairness and protecting the Green Belt are considered in making the balanced recommendation of approval in the report to committee.

The Planning Policy for Traveller Sites also states that Green Belt boundaries should be altered only in exceptional circumstances, and through the planmaking process and not in response to a planning application. This application does not seek to amend the Green Belt boundary.

It is acknowledged that planning permission CB/10/01497/VOC on the neighbouring existing site is for no more than three mobile homes, and there are currently four mobile homes on the site. The current planning application on this site (CB/16/04420/FULL) to regularise the situation is for four static caravans and four touring caravans.

Response to comments from Phillips Planning Services:

The report to committee does refer to the harm to the openness of the Green Belt and the visual impact on the AONB. It also refers to the shortfall of traveller pitches and personal circumstances. The report concludes that these factors amount to the very special circumstances to outweigh the identified harm and therefore warrant the granting of permission.

The proposed vehicular access to the site would be via the access to the existing Eversholt Beeches site. The access into the proposed extension site is for the Vodafone mobile phone compound and the National Grid pylon.

No weight in the recommendation of approval has been given to the undergrounding of electricity cables.

In respect of the retention of the existing site, the Council is looking at the proposal afresh through the assessment of application CB/16/04420/FULL.

Local Plans Team Consultation Response:

The second paragraph in the Background section of this response (on page 76 of the report to committee) contains the following sentence, *'The applicant and his neighbours have suggested that these are due to be buried underground by the*

power company.’ Please note that this sentence is erroneous and is omitted from the Local Plans Team response.

Item 9 (Pages 95-112) – CB/16/04420/FULL – Eversholt Beeches, Watling Street, Caddington, Dunstable, LU6 3QP

Additional Consultation/Publicity Responses

Andrew Selous MP for SW Bedfordshire

I am writing on behalf of a number of my constituents who have raised with me their objections to the above applications. The constituents all live near to this site and they feel that it will be inappropriate development which would be harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances, and the Green Belt boundaries should be altered only in exceptional circumstances. They have also stated to me that if a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a Traveller site, it should do so only through the planmaking process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a Traveller site only.

I also quote the following in a response to your Adjournment Debate which I led in Parliament on 12th October the minister for Housing & Planning said ' Last year the Government published revised planning policy for Traveller sites with the intention of ensuring greater fairness, of strengthening protection for the green belt, which we all value so highly, and of addressing the negative effects of the unauthorised development of land'

Last year the Government published planning policy for Traveller sites with the intention of ensuring greater fairness, of strengthening protection for the green belt, which we all value so highly, and of addressing the negative effects of the unauthorised development of land'

My constituents have said to me that CBC have a care of duty to all residents and they see no fairness at all in recommending these applications. The Price family on their second application admit they have 1 more static mobile home than their planning permission permits!! They are blatantly taking no notice of the laws and policies of this country.

You will of course recall all the other problems caused within my constituency of authorised and then unauthorised development of traveller sites.

I look forward to hearing back from you.

Phillips Planning Services (on behalf of residents living in the area) THIS REPRESENTATION IS IN FULL IN APPENDIX 1

The report to committee fails to apply Green Belt policy and the other significant policy constraints relevant to the proposal. Specifically the report fails to identify and assess the harm to the Green Belt and factors which support the development, and then balance these considerations, and only if harm is clearly outweighed by other considerations do very special circumstances exist.

The report is muddled in that it confuses very special circumstances with other considerations. The two main factors in support of the proposal (the shortfall in traveller pitches and the applicant's personal circumstances) are regarded as very special circumstances in their own right which they are not. Very special circumstances only apply if the totality of other considerations outweighs the harm.

We had reason to challenge an appeal inspector's decision where a similar error was made in the High Court in *SB Herba Foods Ltd v SOS* 2008 (**SEE APPENDIX 2**). The judicial review was successful and the appeal decision was quashed. Our view would be that the Committee report in its current form would be vulnerable to legal challenge for the same reasons.

This matter is critical to the determination of the proposal which has a complex policy background. Based on the information in the report, our view is that the correct approach to the proposal in summary should be as follows :

Harm

Harm to the Green Belt is significant.

Impacts on the visual appearance and landscape character of the Chilterns AONB are significantly adverse

The highways objection refers to the construction of an unauthorised access having already taken place directly into the application site.

Other Considerations

Shortfall of traveller pitches: a shortage of land supply will rarely if ever be sufficient to outweigh releasing open land in the Green Belt for development.

Personal circumstances: Government policy on travellers (PPTC 2015) clearly states that personal circumstances are unlikely to outweigh Green Belt considerations.

Undergrounding of electricity cables: no weight should be given to this as it is likely to be prohibitively expensive and the applicant has produced no evidence that the statutory undertaker responsible will agree.

Very special circumstances

Our view is that, based on the information in the report, the inappropriate development proposed creates significant harm to the openness of the Green Belt

and creates other harm (adverse landscape impact and highways). This is not outweighed by the two main significant countervailing factors put forward by the applicant. Very special circumstances do not therefore apply and the application should be refused.

Retention of existing site (item 9)

Under the rules of condition precedent, it appears that the existing traveller site is currently unauthorised due to the occupants' failure to comply with conditions attached to their original planning permission. This means that the Council is required to look at the proposal afresh and determine if planning permission should be granted again or if enforcement action should be initiated given that the applicants are not immune under the ten year rule.

Restriction of commercial activities

Although recommended as conditions in both reports, this is largely worthless as I understand commercial activities have been carried out by the applicants on the existing site for several years with the Council not enforcing the matter. It can therefore be assumed that commercial activity will continue on both the existing and proposed site. This is a significant material consideration which weighs against both applications.

Additional Comments

Response to comments from Andrew Selous MP:

The Government Planning Policy for Traveller Sites, August 2015 states that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. This is considered in the report to committee.

The stance of the Planning Policy for Traveller Sites of ensuring fairness, protecting the Green Belt, and of addressing the negative effects of the unauthorised development of land, are acknowledged. The issues of fairness and protecting the Green Belt are considered in making the balanced recommendation of approval in the report to committee.

It is acknowledged that planning permission CB/10/01497/VOC is for no more than three mobile homes, and there are currently four mobile homes on the site. The current planning application to regularise the situation is for four static caravans and four touring caravans.

The Planning Policy for Traveller Sites also states that Green Belt boundaries should be altered only in exceptional circumstances, and through the planmaking process and not in response to a planning application. This application does not seek to amend the Green Belt boundary.

Response to comments from Phillips Planning Services:

The report to committee does refer to the harm to the openness of the Green Belt and the visual impact on the AONB. It also refers to the shortfall of traveller pitches

and personal circumstances. The report concludes that these factors, together with the refusal of permission resulting in the need for pitches increasing by the number that would be lost, i.e. 5 pitches, amount to the very special circumstances to outweigh the identified harm and therefore warrant the granting of permission.

No weight in the recommendation of approval has been given to the undergrounding of electricity cables.

In respect of the retention of the existing site, the Council is looking at the proposal afresh through the assessment of application CB/16/04420/FULL.

Item 10 (Pages 113-122) – CB/16/04933/FULL – 19 Lincoln Way, Harlington, Dunstable, LU5 6NG

Additional Consultation/Publicity Responses

None

Additional Comments

None

Additional/Amended Conditions/Reasons

None

Item 12 CB/16/0232/FULL – Land at Double Arches Farm, Eastern Way, Heath and Reach

Additional/Amended Conditions/Reasons

Condition 11 amended to remove pre-commencement obligation;

Within three months of the commencement of the development, a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the date of the approval of details (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

*Reason: To ensure an acceptable standard of landscaping in order to protect the visual amenities of the adjoining countryside which lies within the Green Belt.
(Policy BE8, SBLPR & Sections 7, 9 & 11, NPPF)*

Additional condition considered to be necessary in order to ensure the comprehensive redevelopment of the site;

Within three months of the commencement of the development, a phasing schedule detailing the timescales for the construction of units 1 – 18 shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the development shall then take place in strict accordance with the approved details.

Reason: To ensure the comprehensive re-development of the site and in recognition of the location of the site in the Green Belt and the 'very special circumstances' case accepted.

(Policy BE8 SBLPR & Sections 7 & 9 NPPF)