

## Item No. 9

<b>APPLICATION NUMBER</b>	<b>CB/17/04986/FULL</b>
<b>LOCATION</b>	<b>Land at Roundabout at Jnct of College Chase and Mander Farm Road Silsoe, Bedford, MK45 4QP</b>
<b>PROPOSAL</b>	<b>Mixed use development including 5 No mixed use commercial premises (use classes A1, A2, A3, B1(a)), 1 no commercial premises (class B1(A)) and 5 No residential apartments (use class C3), together with associated parking and access.</b>
<b>PARISH</b>	<b>Silsoe</b>
<b>WARD</b>	<b>Silsoe &amp; Shillington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Ms Graham</b>
<b>CASE OFFICER</b>	<b>Donna Lavender</b>
<b>DATE REGISTERED</b>	<b>16 October 2017</b>
<b>EXPIRY DATE</b>	<b>15 January 2018</b>
<b>APPLICANT</b>	<b>GPS Estates Ltd</b>
<b>AGENT</b>	<b>Michael Hardiman &amp; Associates LLP</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major application with parish council objection on the following grounds (in summary):</b> <ul style="list-style-type: none"><li>• <b>Building footprint and heights larger;</b></li><li>• <b>An unacceptable relationship between the new development and public space</b></li><li>• <b>Elevations are uninspiring;</b></li><li>• <b>No proof of demand for this type of use</b></li><li>• <b>No solutions for the management of additional traffic</b></li><li>• <b>No provision for delivery vehicles</b></li><li>• <b>Too little parking</b></li><li>• <b>No external amenity space for apartment residents;</b></li><li>• <b>Further landscape should be provided;</b></li><li>• <b>Potential for increased noise and disturbance in the locality from proposed uses;</b></li><li>• <b>Requires condition for refurbishment and illumination of pedestrian walkway.</b></li></ul>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Approval subject to the completion of a S106 agreement and following the end of consultation and no new material planning issues being raised.</b>

### **Reason for Recommendation**

The proposal partly falls within site allocation MA9 of the Site Allocations Document for 380 dwellings, community facilities, B1 employment uses and a conference centre. The applicant has demonstrated that there is no reasonable prospect of an end user for the B1 uses and conference centre and as such these uses are considered to be no longer viable. Therefore the proposal for 6 commercial units

and 5 apartments are considered acceptable in principle. As such the proposal is acceptable and complies with Policy DM4 of the Core Strategy and Development Management Policies Document (adopted 2009) and the National Planning Policy Framework (2012).

Furthermore, the proposal, by virtue of its siting and scale is considered to be appropriate for this location and provides a level of parking to the Council's standards therefore accords with Policy DM3 of the Core Strategy and Development Management Policies Document (adopted 2009) and the National Planning Policy Framework (2012).

**Site Location:**

The application site is on the edge of the new development that once formed the former Cranfield University campus off Barton Road in Silsoe. The site has, in recent years, been developed with housing, community facilities and a school on an allocated site with outline and reserved matters planning consents over a number of years.

The part of the overall site that forms this application is located to the north-eastern corner of the overall development and has previously benefited from outline consent for B1 office development and a conference centre but more recently full permission for 5 units mixed use of residential (first floor), and Use Classes A1, A2, A3 and B1(a) (ground floor) with associated parking and access.

**The Application:**

The application seeks permission for a mixed-use development including 5no mixed use commercial premises (Use Classes A1, A2, A3, B1(A), 1.no B1(a) commercial premises and 5no residential apartments together with associated parking and access.

**RELEVANT POLICIES:**

**National Planning Policy Framework (2012)**

- 3 Supporting a prosperous rural economy
- 7 Requiring good design
- 11 Enhancing and protecting the natural environment

**Central Bedfordshire Council's Core Strategy and Development Management Policies 2009**

- DM3 High Quality Development
- DM4 Development Within and Beyond Settlement Envelopes
- DM15: Biodiversity
- DM16 Green Infrastructure
- DM17 Accessible Greenspaces
- CS14 High Quality Development
- CS16 Landscape & Woodland
- CS18 Biodiversity

**Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached pre-submission stage and is out for consultation in accordance with regulation 19 of the The Town and Country

Planning (Local Planning) (England) Regulations 2012 until 22<sup>nd</sup> February 2018.

The National Planning Policy Framework (paragraph 216) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

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

In summary it is therefore considered that reference should be made to the emerging plan but limited weight should be applied to the Central Bedfordshire Pre-Submission Local Plan taking into account its stage of preparation, the level of consistency with the Framework and acknowledging that the draft site allocations have not yet been subject to statutory public consultation. The following policies are relevant to the consideration of this application:

SP2: Sustainable Development  
T2: Highway Safety & Design  
T3: Parking  
HQ1: High Quality Development

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

Central Bedfordshire Design Guide (March 2014)

### **Relevant Planning History:**

**Application Number CB/14/02717/FULL**

Description Mixed use development including 18no residential dwellings on the southern section of the site and 5no mixed use commercial premises (use classes A1, A2, A3, B1(a)) with 5no apartments above together with associated parking and access

Decision Full Application – Granted (Subject to a s106 Agreement)

Decision Date 02/04/2015

**Application Number CB/11/02639/RM**

Description Erection of 344 dwellings pursuant to outline planning permission MB/08/02402 dated 08/10/09

Decision Reserved Matters – Granted

Decision Date 26/10/2011

**Application Number MB/08/02404/OUT**

Description Mixed use development including residential, Class B1 Business, lower school, community sports hall, outdoor sports facilities and pitches, open space and means of access

Decision Outline Application – Approved (Subject to a s106 Agreement)

Decision Date 08/10/2009

**Parish Council:**

- Silsoe Parish Council - Objects for the following reasons (In summary):
- Building footprint significantly larger;
  - An unacceptable relationship between the new development and adjacent building and public area;
  - Elevations are bland and wholly uninspiring;
  - Height of building increased from that approved in CB/14/02717;
  - Proposal does not provide any proof of demand for this type of use and concerned that in the absence of any strong evidence of actual need;
  - Application does not present any solutions for the management of additional traffic generated by this development;
  - No provision for delivery vehicle set down points as per the previous application;
  - Too little parking for the retail employees, customers and residents of the apartments;
  - No external amenity space for apartment residents;
  - Further landscape should be provided;
  - Potential for increased noise and disturbance in the locality from proposed uses;
  - Requires condition for refurbishment and illumination of pedestrian walkway.

**Consultees:**

- CBC Ecology Concerns raised about the net gain in biodiversity. This matter can be addressed through the imposition of a condition to secure a scheme for net gains.
- CBC Green  
Infrastructure  
CBC Highways No objection.
- CBC Housing Officer No objection, following revisions, subject to the imposition of conditions to secure access, turning and parking provisions.
- CBC Sustainability No objection, below the threshold for affordable housing provision.
- CBC Sustainability No objection, subject to the imposition of a condition to secure 10% renewable generation.
- CBC Tree Officer No objection, following revisions, subject to a condition to secure tree protection measures in accordance with Arboricultural Impact Assessment and Method Statement Rev B
- CBC Waste No objection, subject to the imposition of a condition to secure bin store and collection details.

Highways England	No Objection.
CBC Landscape	No Objection.
Beds Fire & Rescue	No Objection, subject to the imposition of a condition to secure a scheme for fire hydrants.

### **Other Representations:**

Neighbours Four representations received:

#### *1 High Street - Comments*

- Increased traffic problems in Silsoe, this development will only make it worse;
- No thought has been made on behalf of the local village shop and hairdressers, both of which could disappear if use classes are granted;
- A3 is worrying, what would be the opening times?
- Development seems to be far too large for the area;
- Disturbed by the potential noise levels and the extra traffic.

#### *15 Cherry Blossom Close - Objects*

- Do not think the 5 retail units are necessary after checking the local area and there are several empty units in Flitwick, Ampthill & Wrest Park;
- Current offices already available in Wrest Park and Doolittle Mill, inclusion of extra office on third level is not as per the original conference centre;
- Encroached upon the proposed windows of bedrooms and living room overlooking our property;
- Introduction of 6 parking spaces for the retail units almost butting up to our property, including 2 disable spaces that will be encroaching upon the orchard space;
- Allocated parking spaces may not be sufficient;
- 1.5m railing will bisect the publicly accessible orchard meaning that 7 trees within the proposed development won't be accessible;
- Vehicle and pedestrian traffic will obviously increase, meaning more noise and disturbance

#### *3 Greensand Walk – Objects*

- No discussion with the residents who have a view of this site from their homes;
- Increase in size, height, parking, traffic and office are all of a concern;
- No mention of road traffic increase;
- Bus stop on roundabout is dangerous, will this be handled;
- No mention of shop opening times and any late-night opening;
- 2 weeks is insufficient for residents to comment;
- Not all nearby residents who have visibility of this site have been written to

- Originally approved design plans should be kept and clarification on how traffic and antisocial behaviour will be monitored and controlled.

### *3 Forest Path – Objects*

- Moves retail units to an area on the edge of the overall development which will not fit in with the surrounding landscaping;
- Traffic intensification in an area already congested;
- Area should be used for housing so that the look of the development from Barton Road is maintained.

### **Determining Issues:**

The main considerations of the application are;

- 1. Principle of Development**
- 2. Effect on the Character and Appearance of the Area**
- 3. Neighbouring Amenity**
- 4. Highway Considerations**
- 5. Other Considerations**

### **Considerations**

#### **1. Principle of Development**

- 1.1 The application site forms part of the wider site allocation MA9 of the Site Allocations DPD (North) for the redevelopment of the former Cranfield University site. Policy MA9 allocated the site for a mixed-use development including B1 business use together with residential and community facilities. In October 2009 outline consent granted permission for a mixed-use development to include residential, class B1 business, a lower school, a community hall with outdoor sports facilities & pitches, open space and access.
- 1.2 Planning permission exists at the site for a mixed-use development comprising of retail units with affordable housing above and so the principle of those uses would be acceptable. This parcel formed part of the employment allocation for the wider development of the site. It was demonstrated to the Council in the last application was approved that an employment use here would not be viable. That an element of office floor space as now proposed is desirable.

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

- 2.1 This proposal has a slightly amended layout of buildings on the site and the appearance of the site. The public orchard area to the north of the site would be retained and appropriate access is retained.
- 2.2 The previous scheme consisted of 2no separate blocks at 90° to one another around a public parking court with private residential parking behind. The proposed scheme keeps the general existing positions, shapes and sizes of the two blocks and joins them together in the corner to include the office with an increase in eaves and ridge height. Furthermore, the buildings have been rotated slightly in order to move the building away from the Public Orchard and to retain all of the protected trees.

2.2 On balance, the proposed scheme is of a similar scale to the existing approved scheme and as such would not have an adverse visual impact on the character and appearance of the existing development and Silsoe as a whole. As such it is considered that the proposal would conform with policies CS14 & DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and Section 7 of the NPPF.

### **3. Neighbouring Amenity**

3.1 The proposed dwellings would be set away from the existing residential properties opposite them and separated by the existing public highway. Given the separation no loss of light or overbearing impact would occur. There would be first and ground floor windows facing the existing dwellings, however the windows would face front elevations which are already within the public domain, as such an element of overlooking already exists.

3.2 It is acknowledged that there is currently an area of open space which provides a good outlook for the surrounding dwellings, however as noted above the site already has planning permission for a similar scheme therefore the principle of developing the site has already been established.

3.3 The commercial units and flats would be located adjacent to the properties in Cherry Blossom Close. Nos 15 and 12 would be most affected by the proposal given the proximity of the development to the side of these properties. On the north west side elevation there is the provision of first floor windows that would face towards the rear garden and side elevation of the adjacent dwellings. This elevation is between 13.0 to 14.0m from the boundary shared with the adjacent properties, separated by the existing trees within the Orchard. There would be an element of overlooking towards these properties, as was with the existing permission, however given the distance involved and the existing mature trees, any overlooking is unlikely to be significant.

3.4 The access and parking would be to the east of this neighbouring property and therefore some disturbance from comings and goings to the site is inevitable.

3.5 While there would be some impact on the amenities of the adjacent properties, the proposal would not result in significant harm in terms of overlooking, overbearing, loss of light and noise. The proposal is therefore acceptable in accordance with Policy DM3 of the Core Strategy and Section 7 of the NPPF.

### **4. Highway Considerations**

4.1 The proposal meets the parking requirements as set out in the Council's Design Guide for residential and visitor parking. Access to the site is from the existing roundabout. As such it is considered that the proposal would not be prejudicial to highway safety and would conform with policy DM3 of the Core Strategy for the North of Central Bedfordshire, the Central Bedfordshire Design Guide and section 4 of the NPPF in this respect.

### **5. Other Considerations**

#### **5.1 Landscaping**

Protection of trees would be required as is the delivery of landscaping along the site boundaries which can be secured by condition attached to any permission granted together with details on the landscaping and maintenance of the

Orchard area. Therefore the proposal is considered to accord with policies CS14 of the Core Strategy for the North and Section 11 of the NPPF.

#### 5.2 Ecology

Concerns were expressed that a net gain in biodiversity had not been realised and the impact of the proposed boundary treatment on the orchard, however following it is considered that these matters can be resolved through conditions to secure boundary treatments and for additional opportunities for ecological enhancement. Therefore the proposal is considered to accord with policies CS18 & DM15 of the Core Strategy for the North and Section 11 of the NPPF.

#### 5.3 s106 Agreement

In accordance with the previous planning permission, the applicant has agreed to secure economic marketing strategies for the commercial units to be secured through s106 agreement if members are otherwise minded to approve, to ensure that all endeavours are made to ensure that the commercial uses can be realised on the site.

#### 5.4 Human Rights issues

It is the officers understanding that the proposal would raise no Human Rights issues.

#### 5.5 Equality Act 2010

It is the officers understanding that the proposal would raise no issues under the Equality Act 2010.

#### **Recommendation:**

That Planning Permission be APPROVED subject to the completion of a s106 agreement and the following:

#### **RECOMMENDED CONDITIONS**

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

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

- 2 **No development shall take place until details of the existing and final ground and slab levels of all buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties. Thereafter the site shall be developed in full accordance with the approved details.**

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



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

**Reason: This condition is pre-commencement as planting will need to be ordered prior to construction, to ensure an acceptable standard of landscaping in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)**

- 4 **No A3 use class hereby permitted shall be brought into operation** until a scheme for protecting sensitive receptors from food preparation and cooking odours has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter unless an alternative scheme has been approved in writing by the Local Planning Authority.

Reason: In the interests of neighbouring amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 5 **No use class (A1, A2, A3 and/or B1) shall be brought into operation** until a scheme for protecting residential dwellings from noise from fixed plant machinery and equipment has been submitted to and approved in writing by the local planning authority. Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality or distinguishable characteristics) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: In the interests of neighbouring amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 6 The commercial premises shall not be used except between 07.00hrs and 22.00hrs Monday to Saturday and 08.00 to 18.00hrs Sundays and Public Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: In the interests of neighbouring amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 7 Deliveries by commercial vehicles to the commercial units shall only be made to or from the site between 07.00 hours and 21.00 hours Monday – Saturday, and between 08.00 hours and 18.00hours Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: In the interests of neighbouring amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 8 **No development shall commence at the site before details of how the development will achieve 10% or more of its own energy requirements through on-site or near-site renewable or low carbon technology energy generation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: In the interest of sustainability.**

- 9 Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Unless agreed otherwise with the Local Planning Authority arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits.

- 10 **No development shall take place until a scheme detailing provision for on site parking for construction workers and deliveries for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

**Reason: To ensure adequate off street parking during construction in the interests of road safety.**

- 11 **No equipment, machinery or materials shall be brought on to the site for the purposes of development until details of substantial protective fencing for the protection of any retained tree(s), has been submitted to and approved in writing by the Local Planning Authority and the fencing has been erected in the positions indicated in the Arboricultural Method Statement Rev B. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.**

**Reason: This condition is pre-commencement and the protection for the trees will need to implemented prior to construction, to protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended.**

**(Sections 7 & 11, NPPF)**

- 12 **No development shall take place until details of a scheme of biodiversity enhancement have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.**

**Reason: This condition is pre-commencement as any enhancement may require the retention of certain species or habitats and to enable proper consideration of the impact of the development on the contribution of nature conservation. (Section 11, NPPF)**

- 13 The dwellings hereby approved shall not be occupied until details of the bin storage & collection areas have been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection areas have been implemented in accordance with the approved details. The bin storage & collection areas shall be retained thereafter.

Reason: In the interest of amenity.  
(Policy DM3 of the Core Strategy and Section 7, NPPF)

- 14 **No development shall take place until wheel-cleaning facilities which prevent the deposit of mud or other extraneous material on the highway during the construction period have been installed at all vehicular site exists and made operational and the Site Developer(s) shall ensure that these are used by all vehicles exiting the site until the development has been substantially completed or until the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

**Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.  
(Policy DM3 of the Core Strategy for the North and Section 7, NPPF)**

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2017/898/01A, 2017/898/02, 2017/898/03, 2017/898/04, 3177.Barton.MHS.TPP Rev B, 3177.Barton.MHA.AIP.Rev B, W01754-400 P01.

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

**INFORMATIVE NOTES TO APPLICANT**

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other

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

3. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
4. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 0300 300 8049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

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

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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