

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 28 MARCH 2018

Item 3 Minutes

Please note that the minutes of the meeting of the Development Management Committee held on 28 February 2018 are not ready. They will be submitted to the next meeting for approval.

Item 6 (Supplement - Pages 3-103) – CB/17/05862/OUT – Land north of Cranfield Airport, College Road.

Additional Consultation/Publicity Responses

Cranfield Parish Council has further comments that it wishes to make with regard to the Cranfield Airpark application:

1. ECOLOGY

Cranfield P Cllr Heather Webb, who is a Local Authority Ecologist has the following comments:

Ecologically speaking I have two key issues with this application. They are, in order of descending urgency:

1. The application does not satisfy the requirements of NPPF paragraph 118, which states:

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *if significant harm resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused (my emphasis).*

A key impact of the proposed development would be the loss of over 20ha of semi-improved grassland. The application documents have failed to illustrate how this loss would be mitigated or compensated. Section 8.51 of the Environmental Statement states that 'construction is assumed to result in the direct loss of 38.68 ha of land. However, a very small percentage of these habitats are likely to be retained and subsequently enhanced...however, these retained/enhanced habitats are likely to be small in the overall site context'.

I note in the case officer's report that a condition has been proposed to secure up to 7.12ha of off-site tree planting. This is specifically to satisfy Core Strategy Policy CS17 related to the Marston Vale Community Forest. This planting is additional to -

and not a substitute for - mitigation or compensation measures required by the NPPF.

To satisfy the mitigation hierarchy in accordance with paragraph 118, applicants need to demonstrate a) how biodiversity impacts will be avoided, b) how unavoidable impacts will be mitigated, and c) how any impacts remaining after avoidance and mitigation will be compensated. **This application fails to do so, and therefore in my view the application does not meet the requirements of NPPF paragraph 188.**

2. A breeding bird survey has not been done for this application. Section 4.59 of Technical Annex 3 Ecology states that 'a preliminary walkover ornithological assessment of the Site was conducted on 18 September 2017'. This is not a substitute for an actual survey. During the walkover however 'a total of 19 species were recorded, including a number of potential breeding species...based on the habitats present and the species recorded during the walkover survey, it is considered likely that at least 20 species would breed at the Site, and potentially up to 30+ species'. These species include the red-listed linnet, song thrush and skylark, which as a ground-nesting species is particularly vulnerable to the proposed development.

All species of wild bird are protected within Great Britain under the provisions of the Wildlife and Countryside Act 1981. Under *BS42020:2013 Biodiversity - Code of practice for planning and development*, and ODPM Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and their Impact Within the Planning System 'the presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted; otherwise all material considerations might not have been considered in making the decision'.

Surveys were done for bats, reptiles and other protected species. I see no reason why a breeding bird survey has not been done as well. General conclusions have been extrapolated from a single walkover visit, however it has not been established precisely which species are breeding on the site, and where that breeding activity is located in relation to the development area. I believe that 'the extent to which [breeding birds] could be affected by the proposed development' has not been fully established in accordance with BS42020:2013 and Circular 06/2005.

With applications of this size and significance I normally see a broad range of ecological survey data spanning several years, as this scale of project normally takes years to come forward and good baseline of information is needed to inform a range of decisions. This application appears to be supported by a single year's survey data, which I find extraordinary. I would have expected much better of a world-class university.

Heather Webb MSc MCIEEM

2. NOISE REVIEW

When the Parish Council submitted their noise review from James Trow, his covering email and summary was accidentally omitted. This is copied, below.

The Parish Council considers that the planning decision should be delayed until the noise assessment work and proposals are improved, as recommended in James' review.gsd gsd

3. OFFICER REPORT

The Parish Council notes that the Officer report does not record that Cranfield PC object on Landscape and Visual Impact grounds. The Parish Council would like this to be corrected.

The Parish Council also notes that the Parish Council's letter of the 12th March asking certain questions and included the noise review has not been appended to the committee papers. The Turnberry response to the noise review however has been appended.

This seems unfair, and the Parish Council requests that this is rectified.

The Parish Council requests that this letter is also reproduced in full in the late report.

James Trow Email accompanying his noise review:

Please find attached my draft review report.

As you will see there are a number of concerns that I raise with the noise assessment and associated proposals. It is my view that the information provided within the Environmental Statement has a number of shortcomings in relation to policy, regulations and guidance. There are areas of technical concern too.

My conclusions are provided in Section 3 and I encourage that a planning decision is delayed until the noise assessment work and the proposals are improved. The information provided cannot and should not be used as a basis for decision making.

Please note that this is our draft review and we will want to amend to include relevant footnotes and some other details we have identified which are not so critical as those highlighted in the draft.

Kind regards
James

Additional Comments

Within the description for Phase 2 within the Officer report, the Officer would like to remove any reference to the maximum scale of the buildings. The full scale of buildings proposed under Phase 2 would be assessed at Reserved Matters stage. Members are therefore advised to disregard the words 'up to' in reference to the possible height of the hotel building.

Further, for clarity, conditions 12 and 40 specifically relate to the nature of investigations to be carried out concerning contaminated land. They do not refer to the 'Phases' of this hybrid application itself.

Additional/Amended Conditions

Amendments

Condition 18 has been amended to read:

- 18 No development shall commence until a scheme for off-site tree planting, showing a canopy area for trees covering an area of up to 7.12Ha (30% of the overall site area for Phases 1 and 2) has been submitted to and approved in writing by the Local Planning Authority. A timetable for the implementation of this planting shall also be submitted to and approved in writing. Planting shall thereafter be in accordance with details agreed in this regard.

Reason: In the interest of Marston Vale community Forest, in accordance with Policy CS17 of the Core Strategy and Development Management Policies 2009.

Conditions 27 and 54 have been amended to read:

The development shall be for 'Business Aviation' only. 'Business Aviation' means flying activities and operations that are dedicated to the needs of companies, individuals and organisations which require a premium priced service for a high degree of mobility, a high standard of service and flexibility and privacy in aviation services. This definition excludes such activity in connection with bulk freight services and 'inclusive tour' scheduled holiday charter airliner services.

Reason: In the interest of amenity and noise protection, in accordance with Policy DM3 of the Development Management Core Strategy 2009.

New Conditions

Two new conditions are recommended (one for each Phase) ensuring that the decibel levels do not at any point exceed the maximum predicted levels within the Environmental Statement. These conditions shall read:

The operation of the Airpark shall not result in decibel levels that exceed those identified within contours at Figure 8.7 (page 41) of the submitted 'Environmental Statement – Technical Annex 7 – Noise and Vibration'.

Reason: In the interest of living conditions, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

Item 7 (Pages 13-26) – CB/17/04643/FULL – 109 Jeans Way, Dunstable, LU5 4PR.

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Amended Conditions

2. The building hereby approved shall be used primarily as a facility for the use of all activities concerned with beavers, cubs and scouts, and other uses consisting of a mother and toddler group, an education facility for Diabetes patients, a neighbourhood watch group, a prayer group, a family history group and as a rehearsal space for drama performances, or uses directly equivalent to the aforementioned uses. The building shall not be used for any other purposes than these specified uses.

Reason: To protect the amenity of neighbouring residential occupants, and to control car parking and traffic impacts.

(Policy BE8, SBLPR and Sections 4 and 11, NPPF)

3. The building hereby approved shall only be open for use between the hours of 09:00 and 21:30, and shall not be open for use at any other times.

Reason: To protect the amenity of neighbouring residential occupants.

(Policy BE8, SBLPR and Section 11, NPPF)

Item 8 (Pages 27-56) – CB/16/05513/FULL – Land and buildings at 35-41 High Street, builders office and entrance to Primrose Lane, Arlesey.

Additional Consultation/Publicity Responses

Arlesey Town Council (21.02.18):

Arlesey Town Council considered the proposed revision to the Five Ways application (No. 16/05513) at a meeting held on 20th March 2018 and resolved to reiterate OBJECTIONS contained within our letter dated 18th January 2017.

Specifically, the Town Council does not consider that the proposed amendments have addressed its concerns relating to:

- insufficient on-street parking which will be exacerbated by the proposed development,

- the retention of buildings, including the 19th century Arlesey White Cottages and 1920's art deco building on Primrose Lane, considered locally to be of historic value.

I trust these comments will be relayed to the DMC at its pending meeting. It is not proposed to send a Town Council delegate on this occasion.

Amended Conditions:

19: No building shall be occupied on each phase (as shown on plan number 17-01 Phasing Plan) until the refuse collection and storage facilities as shown on the Refuse details dated 21.03.18 have been carried out in accordance with these approved details.

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

28: The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 001-01A (Site Location Plan), P01L (Site Layout Plan), 04 Rev E (Proposed Layout/Junctions), 05 Rev D (Swept Path Analysis Arctic), 06 Rev D (Swept Path Analysis Large Car), 08 Rev A (Swept Path Analysis Private Drive), P08 (Existing Road Layout), P02E (Block A Ground & 1st Floor Plans), P03E (Block A 2nd Floor & roof Plans), P04G (Block A Elevations), P05C (Block B Floor Plans), P06C (Block C Floor Plans), P07C (Block D Plans), 101C (Drainage Private), 102A (Drainage), 151A (Site Survey), 154A (Highway Sections), 156A (Highway Details), 17-01 (Phasing Plan), Transport Assessment Rev B, Design & Access Statement Nov 2016, Refuse details dated 21.03.18, Land Contamination Assessment Ver 1.5, Noise Impact Assessment First Issue and Ecological Appraisal Sept 2016.

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

Additional Conditions

29. Development shall not begin on Phase 1 (as identified red hatched on plan number 17-01) until all construction and technical details of the access located to the south of No. 43 High Street Arlesey that shows it to be 4.8m wide has been approved by the Local Planning Authority and no building shall be occupied on Phase 1 until the junction 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. (Section 4, NPPF)

30. Development shall not begin on phase two (as identified blue hatched on plan number FS-01) until details of the junction of the proposed vehicular access with Primrose Lane have been approved by the Local Planning Authority and no building shall be occupied on Phase 2 until the junction 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. (Section 4, NPPF)

31. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the land reserved for the proposed section of relief road within the development have been submitted to and approved by the local planning authority. [The land shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

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

32. The proposed vehicular accesses shall be surfaced in bituminous or other similar durable material (not loose aggregate) as may be approved in writing by the Local Planning Authority for a distance of 5m into the site, measured from the highway boundary, before the premises 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.
(Section 4, NPPF)

Additional Informatives

Notwithstanding the granting of planning permission, no enclosure of the land shall take place until such time as the highway rights over the land have been formally extinguished by a formal Stopping Up Order made under Section 247 of the Town and Country Planning Act 1980 or by the application to the Magistrates Court under Section 117 of the Highways Act 1980.

Management and maintenance of adoptable streets

The applicant is advised that to discharge highway conditions, that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Section 278 Agreement

The applicant is advised that in order to comply with Condition 1,2 and 3 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Contract Team, Central Bedfordshire Highways, , Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

highwaysagreements@centralbedfordshire.gov.uk

Surface Water Drainage

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 developers expense to account for extra surface water generated. Any improvements must be approved by the Highways Contract Team, Central Bedfordshire Highways, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

New Roads and Street Works Act

The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Streetworks Team Central Bedfordshire Highways, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ or by email at: streetworks@centralbedfordshire.gov.uk

Item 9 (Pages 57-70) – CB/17/04986/FULL – Land at roundabout at junction of College Chase and Mander Farm Road, Silsoe, Bedford, MK 45 4QP.

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

None.