

## LATE SHEET

### DEVELOPMENT MANAGEMENT COMMITTEE – 06 MARCH 2019

#### ***Item 5 – CB/18/04119/FULL – Former Goods Transport Site, 7 Bedford Road and 1 and 2 Salford Road, Brogborough***

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

###### Brogborough Parish Council

Brogborough Parish Council have provided an addendum to their additional response, which is as follows:

*The application has been updated to provide more details of the village entrance and to include the closure of two of the lay-bys on Bedford Road. The lay-bys proposed for closure are the southern most lay-by on the west side of Bedford Road and the lay-by immediately south of the gardens of Highfield Crescent on the eastern side of the road.*

*Please could I bring to your attention that the site named is not 'Former Goods Transport' but 'Former Goode's Transport ' as this would indicate on the application that it is just a rebuild rather than a new warehouse.*

*Originally it was part residential and the three houses were demolished which I understand contravenes national and CBC's Empty Homes Strategy. We felt this was a premature move as this application had not at that time been approved.*

*We can see that there are a number of items within this application which have been changed as well as those you have indicated and will affect our original objection - such as the extension of construction required by their expected tenant - which also affects the pollution (Light, Noise and Exhaust listings) as there is no indication of an update from Highways re the effect this will have on our community*

*The closure of the two lay-bys on Bedford Road is more than welcome but the 'village entrance' landscaping at the traffic lights will still have the appearance of being the entrance to the complete Prologis, Marston Gate site and therefore will still encourage visitors and, in particular HGVs, into our village as a shortcut. This happens on a fairly regular basis already which we feel will increase and should be considered as a serious downfall to the well-being of our community.*

*With the revised plans we would like the following to be taken into consideration.*

##### *1. Highways England Doc 6.12.18*

*This survey originally stated that the increase in traffic would be negligible with 80 movements am and 41 pm however with the revised plans for the site 30992PL201D the increase in movements would be extra as there are now 42 HGV spaces as opposed to 28 on the original plans and also 140 - 221 car parking spaces - we are unsure of this statement as this indicates a substantial increase in traffic movement contrary to the original and will affect item 2..*

## *2. Noise and light pollution*

*The noise assessment - dated 6.11.18 a report of excessive noise and light was reported before these amendments and will therefore increase significantly with the new build. The light increase alone from such addition will cause further distress to residents and a long-term detriment to the cycle of wildlife in our area in addition to the vast dome of light already apparent on the existing site.*

## *3. Transport assessment dated 6.11.18*

*We feel the bus and rail services which operate near the site and through Brogborough will not support a 24 hour operation and will certainly increase the traffic on the Bedford Road at all times causing noise and intrusion to residents.*

*The bus stop at the lay-by near the takeaway that is mentioned is also the school bus stop so such increase is considered dangerous for the children getting on and off the school bus. As will crossing the road to the bus stop on the Bowling Green side of the road this will also be the case for those residents wishing to use the village facilities i.e.: Village Hall, playground, open space and adult equipment or even returning on the bus. Likewise, for villagers in Highfield Crescent, Hill Crescent and Ridgeway Road trying to access the bus stop or even pull out onto the Bedford Road itself is at most times a distinctly dangerous venture.*

*4. There is no safe pedestrian access to this proposed site from Ridgmont Station so any footpath network included in this application will end at the traffic lights - unless provision is made for a safe footpath from the proposed site to the station.*

*These are our additional comments re the altered plan submitted.*

## Milton Keynes Council

Milton Keynes Council have responded to state that they have no objections to the application.

## CBC Highways Officer

The Highways Officer has provided expanded comments as follows:

*The Transport Assessment is considered acceptable in terms of capacity and that there is no reason why development could not go ahead on highway grounds or the NPPF.*

*It is noted that security barriers would be in operation for both the HGV and car parking access. The HGV security gates when opened could mean that the end of HGV could overhand the footway/cycleway when the gates are swung open, so a rising barrier would be the better option, or the gates should be moved further within the site area. The car park access would only provide for 2 cars to stack before the footway/cycleway is blocked so either the barriers are removed or sited further in to the parking area. To prevent vehicles parking on Salford Road a TRO for double yellow lines to prevent any queuing back to the signalised junction will be required through the Section 278 Agreement process.*

*Parking accords with the Central Bedfordshire Local Transport Plan: Appendix F Parking Strategy in terms of parking for cars, HGV's and cycles. Turning for HGV's is*

*available with independent turning head further available to the west of the HGV parking layout. Car parking bay for cars have been provided and whilst the bays are only 4.8m in length the actual aisle width shows this as being 6.5m in wide (usually only 6m in width) and therefore this is considered acceptable.*

*Given the height of the building, the provision of a fire track is always welcome for the Fire Service and that tracking has been provided to ensure that an 11m long platform can gain access, if any further amendments are required this will be for the fire service to decide.*

*Additional conditions are recommended.*

#### CBC Archaeologist

The Council's Archaeologist has confirmed that the submitted Written Scheme of Investigation is acceptable and an amended condition 2 is recommended.

#### CBC Ecologist

The Council's Ecologist has confirmed that the submitted Ecological Design Strategy is acceptable and an amended condition 3 is recommended.

#### Prospective Tenant

A letter has been received from the prospective tenant of the unit. The letter states that the proposal would allow their existing Central Bedfordshire based business to expand. It notes that they currently employ 93 people, of which 85 live within Central Bedfordshire. The proposal would allow them to relocate without having an impact on their current workforce and would allow them to grow their business and provide additional jobs, estimated to be at a rate of an additional 7 jobs per year for the next 5 years.

The letter confirms that traffic movements are expected to be in accordance with those forecast in the traffic model. The letter also states that they will continue to work with the Prologis management team to address any issues raised by the community.

#### **Additional Comments**

At the request of a Ward Member, the applicant has agreed to the partial closure of a third layby in Brogborough village and an amended plan, drawing no. 248/P/005 Rev A has been submitted.

In response to the additional comments of Brogborough Parish Council, the proposed number of car parking and HGV spaces have not changed during the application process and nor has the gross footprint of the building. Minor amendments have been made to the layout of the office section of the proposal, which also resulted in minor elevational changes.

There has been no change to the anticipated travel movements during the course of the application.

Highway improvements are scheduled to take place in the near future in Brogborough to secure a safe crossing point to the bus stop.

The proposal includes the provision of a footpath and cycleway from the traffic lights to Ridgmont Station.

### **Additional/Amended Conditions**

2. The development hereby approved shall only be implemented in full accordance with the following document: Written Scheme of Archaeological Resource Management on land at Marston Gate, Unit DC10, Brogborough, Bedfordshire (MOLA Northampton, Issue 3, 21/02/2019)."

Reason: In accordance with paragraph 199 of the National Planning Policy Framework to ensure that the developer records and advances of understanding of the significance of any heritage assets affected by development before they are lost (wholly or in part) and makes the results of the archaeological work (and any archive generated) publicly available.  
(CS15 & DM13, CSDMP and Section 16, NPPF)

3. The development shall take place strictly in accordance with the submitted Ecological Design Strategy by Middlemarch Environmental dated January 2019, Report No. RT-MME- 129970-01 (Final) and all the Future Management requirements set out within the Ecological Design Strategy shall be carried out throughout the lifetime of the development.

Reason: To ensure that all impacts from development, including ground works, are taken into account and mitigated and that the development delivers a net gain for biodiversity.  
(DM15, CSDMP and Section 15, NPPF)

10. The development hereby permitted shall not be occupied until details of the following proposed off-site highway works and landscaping works, along with a timetable for their completion, have been submitted to and approved by the Local Planning Authority:
  - a) The provision of new HGV and car park accesses from the application site onto Salford Road, together with improvements to Salford Road and introduction of a pedestrian / cycle phase, Toucan Crossing into the existing signalised Bedford Road crossing. Subject to the successful implementation of a TRO, no waiting (double yellow) lines will be introduced on Salford Road to prevent lorry parking;
  - b) Provision of a new 3m wide footway / cycleway connecting from Bedford Road in the west to the existing footway on Badgers Rise in the east;
  - c) The removal of existing laybys, kerbs and disused bus stop as identified in the approved drawings and the provision of new kerbs along Bedford Road channel line and topsoil / seed remaining verge area behind; and
  - d) Provision of landscaping works to each side of Bedford Road to create a 'village entrance' feature, which landscaping shall subsequently be maintained by Prologis as part of the wider Marston Gate development.

The off-site highway works shall be in general accordance with the following approved drawings: 248/P/001 Rev E, 248/P/003 Rev B and 248/P/005 Rev A

and the landscape works shall be in general accordance with drawings 1817/18 01 Rev I and 1817/18 05 Rev C.

The works shall be completed in accordance with the approved details and the approved timetable; and signed off as complete by, or on behalf of, the Local Planning Authority.

Reason: To ensure the delivery of the off-site works which are necessary to the acceptability of the scheme in terms of mitigation and the delivery of identified benefits of the scheme).

(Policies CS4, CS14 and DM3, CSDMP Sections 9 and 12, NPPF)

16. The development hereby permitted shall not be carried out in complete accordance with the details shown on the submitted plans, (except as varied by details approved as part of details submitted to discharge condition 10) numbers 1817-18-02 Rev D, 1817-18-04, 30992-PL-200 Rev A, 30992-PL-201 Rev D, 30992-PL-202 Rev A, 30992-PL-203 Rev B, 30992-PL-204 Rev B, 30992-PL-205, 30992-PL-206, 30992-PL-220 Rev B, 30992-PL-221 Rev A, 30992-PL-2030 Rev B and 30992-PL-231 Rev B, .

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

17. The development shall not be brought into use until the scheme for car and HGV parking shown on drawing no. 30992-PL-201D has been provided and the spaces shall thereafter be kept available for parking at all times.

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 and parking arrangements at all times.

18. No development shall take place, (excluding archaeological investigation) until a Construction Traffic Management Plan, associated with the development of the site, has been submitted and approved in writing by the Local Planning Authority which will include information on:
- A. The parking of vehicles
  - B. Loading and unloading of plant and materials used in the development
  - C. Storage of plant and materials used in the development
  - D. The erection and maintenance of security hoarding / scaffolding affecting the highway if required.
  - E. Wheel washing facilities
  - F. Measures on site to control the deposition of dirt / mud on surrounding roads during the development.
  - G. Footpath/footway/cycleway or road closures needed during the development period
  - H. Traffic management needed during the development period.
  - I. Times, routes and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site) during the development of the site.

The approved Construction Traffic Management Plan associated with the development of the site shall be adhered to throughout the development process.

Reason: In the interests of safety, protecting the amenity of local land uses, neighbouring residents and highway safety.

(Section 9, NPPF)

19. The development hereby permitted shall not be occupied until a scheme for the management of the vehicular access barriers and security gates have provided in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of road safety and pedestrian movement.

(Section 9, NPPF)

20. Visibility splays shall be provided at the junctions of the accesses with the public highway before the development is brought into use. The minimum dimensions to provide the required splay line shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall for the perpetuity of the development remain free of any obstruction to visibility.

Reason: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

(Section 9, NPPF)

### **Additional Informatives**

6. The applicant is advised that in order to comply with Condition 10 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. You are advised to contact the Highways Agreements Officer, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. E-mail: [highwaysagreements@centralbedfordshire.gov.uk](mailto:highwaysagreements@centralbedfordshire.gov.uk). The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

7. The applicant is advised that the closure of existing access and laybys shall include the reinstatement of the highway to include any footway, verge and kerbing and no works associated with the closure of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 1. Upon formal approval of details, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures

under Section 184 of the Highways Act to be implemented. The applicant will also be expected to bear all costs involved in closing the accesses.

8. 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 Highways Help Desk tel: 0300 300 8049.

## **Item 6 – CB/18/01651/RM – Harlington Station Yard, Station Road, Harlington**

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

One additional neighbour consultation response has been received and whilst it would be normal practice to summarise the points raised, as the residents has requested that the letter is read out at committee it is deemed appropriate for this to be made available to Members through the late sheet. The letter also includes extracts from the plans and photographs. The letter will not be read out at committee.

*Dear Committee Members,*

*I live with my partner in Pilgrims Close, Harlington and the house at the end of the row nearest the Station Yard area and at the bottom of the public footpath running along the Station Yard. We moved to Harlington in April 2018 because of the village feel, countryside and privacy of the property and the area. Please review the below information and may I ask that you personally consider the information I have outlined when making any final agreement in regards to this development.*

*Effect on current residents:*

- 1) I am aware that the consultation for this development only went to 9 properties in the village, all end of row houses and therefore many other properties who will be effected by this development have not had the opportunity to be part of this consultation. They therefore have not been provided the information or updates on this developments progress.*
- 2) The proposed development of 3 storey flats and their proposed positioning means they will be directly facing all properties within the area of Station Yard with balconies therefore overlooking residents and their gardens, removing all and any privacy that existed.*
- 3) Due to the position of Station Yard, being elevated, this will increase the feeling of being overlooked and with a 'towering over' impression to those in the current properties.*

*Documents provided to the public via Bedfordshire Borough Council, points numbered according to the documents:*

*A) Arboriculture Survey:*

*1.2.5: Although I am sure this has now been confirmed, this report outlines that it was not determined at the time of the survey if the area is a conversation area. This confirmation has not been provided to the public via any report that I have noted.*

*P.18 This page within the report is unreadable and therefore cannot provide relevant information to the public as part of the consultation.*

B) *Design and Access Statement:*

*"Habitable Rooms and balconies are designed to face away from the railway line to reduce noise impact."*

*This will result in the flats and balconies facing current properties at an elevated level and balconies invasive to current residents.*

*At 3 storeys and at an elevated level, they are 'towering' above current residents.*

*The tree line cannot be considered a suitable 'screen' between the flats and current residents as without leaves for most of the year and the thinness of the tree line at the middle to top of the path this is unsuitable and allows the flats to be intrusive.*

C) *Planning Statement:*

*3.3 "Meet Councils target for providing affordable housing" 5 of the 45 flats will be affordable which equates to only 11%. The standard percentage for a development is 30% and therefore does not meet the requirements.*

*5.3 "All existing trees will be retained and protected": This is essential not only for the protection of the wildlife in the area but also the current residents. This is a very thin line of trees (incorrectly reflected in the architects impression of the area which implies there is a thick treeline) and would be the only small amount of coverage in, and only in, the spring/summer months when leaves are present. As outlined above, this is not a sufficient depth of trees to provide suitable privacy.*

*I would like to redraw your attention to a number of other documents within the consultation with, importantly, the Parish Council's rejection to this development. In regards to the requirements from the Fire and Rescue Service and the National Rail Service, no document has been provided in response to these requirements for members of the public to view. These requirements are considerable and raise a number of serious concerns outlining the lack of space within the development area.*

*May I draw your attention to a number of points from the Bedfordshire Council 'Residential Development Guidance' which is available on their website for you to view in full. The points below are raised as significant to this development.*

*5.05.05 "An individual private garden should.....include an area which is not directly overlooked by other residents" This is for those residents of a new development but I would query why the Council do not adhere this to include its current residents. Current residents should be held in regard when considering any changes to their living conditions.*

*5.12.35 "Balconies....care needs to be taken that firstly, they maintain the privacy of nearby properties...." This is not being taken into account as the balconies are directly facing all current properties at an elevated and intrusive level.*

*5.13.10 "The scale/plot coverage, height.... Should 1) avoid dominating adjacent buildings 2) respect privacy of adjacent buildings" Again this is not being considered with this new development.*

**SUPERSEDED 18-3465-18 Street Scene and Site Sections**

*This is considerably inaccurate in terms of the vision of space available. This is giving the impression that there is a vast space between the development, a thick tree line providing privacy and a considerably sized public footpath. This inaccuracy is deceptive and should not stand as an accurate record of what is reality. The footpath is in fact only wide enough for*

*one person at most, the treeline is thin and the development in another plan gives a secondary impression that they will have plenty of space but will in fact be squashed up against the trees. The two images of the development are there to deceive those agreeing to the plans in allowing them to consider the space is vast enough when it is not. I have provided these impressions below.*

*Personal Comparison:*

*I have reviewed many of the Committee Members residential locations on google maps, provided by the Committee Services Officer to ascertain if some understanding of the upset this development will cause to current Harlington residents can be compared with Committee Members should they be in the same situation.*

*I note that a number of Committee Members live in areas where, if a similar development were built in their residential area, their properties and gardens would lose privacy and the sense of why they chose to live in their area. Please consider when you look out of your window or sit in your garden looking at the sky, wildlife and trees what it would be like to see a block of flats with balconies looking down on you removing the reason you wanted to live in the property. I have provided photos of my current view to give an understanding of how we will be effected.*

*Closing Statement:*

*Please consider what benefits this development will truly bring to Harlington and its residents. If the only benefit is 5 affordable flats out of 45, can this truly be considered enough in comparison to the upset to the roughly 40 houses (and therefore roughly 120 plus residents).*

*There will be an increase in population but no increase in amenities, more traffic and in a dangerous area and if truth be told the only provision of this development will be expensive flats for London commuters.*

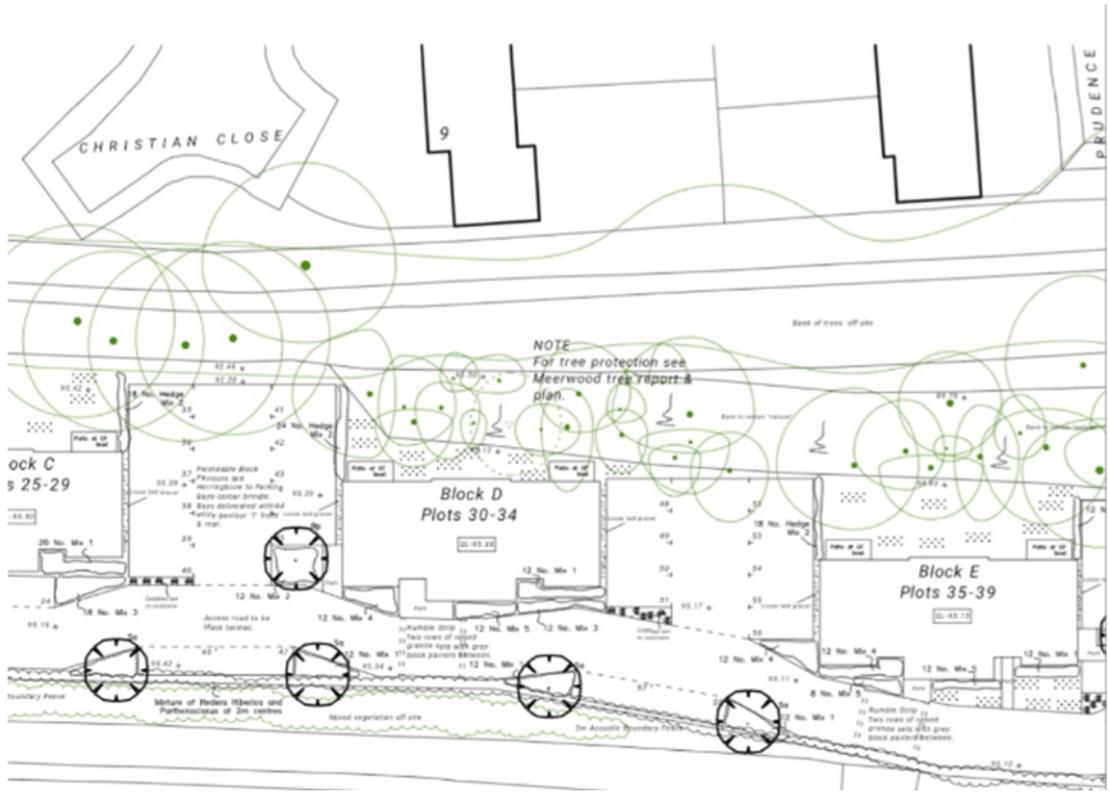
*My partner and I at 35 years old, saved for many years to buy a house together in a village with a lovely garden, wildlife in the surrounding trees, country walks and to have neighbours who are happy because they moved to Harlington for the very same reasons. Having only been here less than a year, this is about to be ruined.*

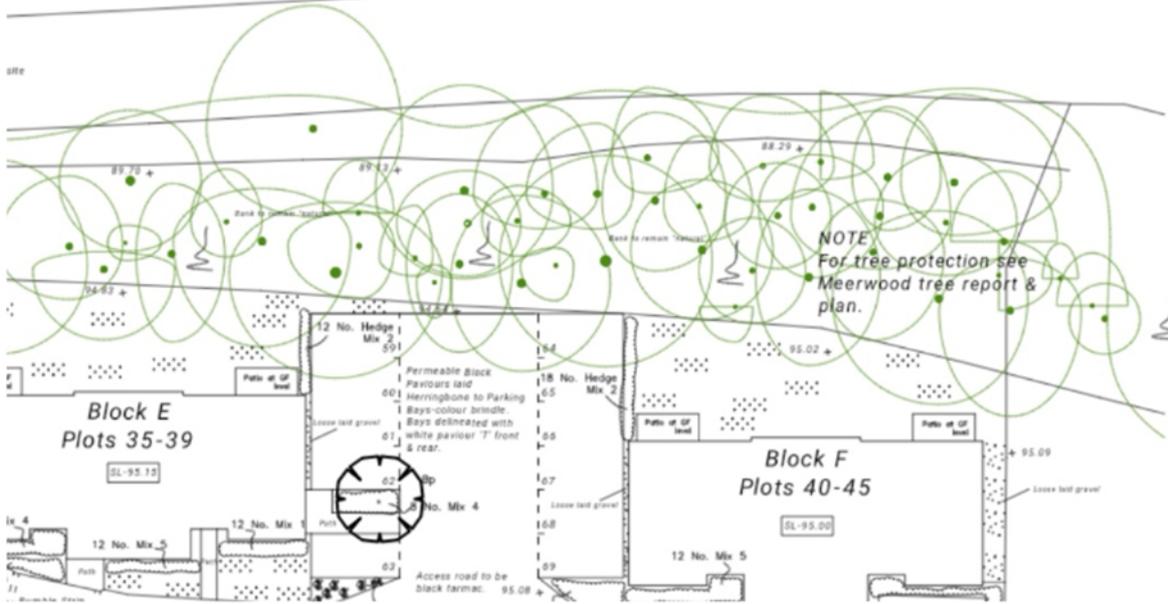
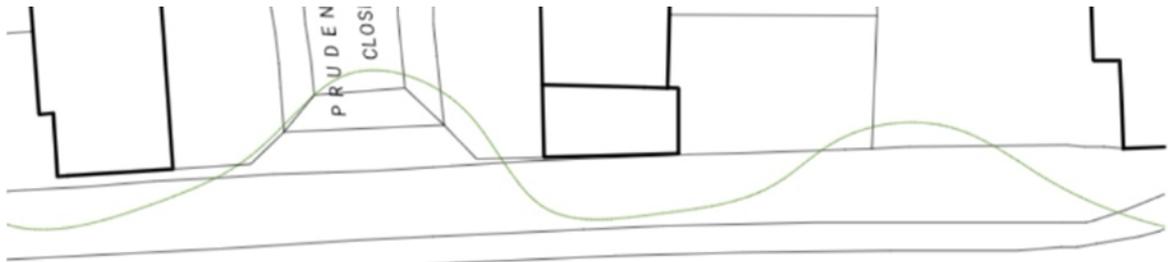
*The residents within the area of the Station Yard sincerely hope that this development will be reconsidered and further thought into how this piece of land can be developed to really benefit this village and its residents maintaining their rights to privacy within their own property boundaries.*

*Thank you*

*Please see images below for reference:*

*Drawings give impression of vast space which is deceptive.*





*Flats with balconies facing current residents.*



East

*If this development goes ahead, there will be the above illustrated block of flats with balconies overlooking from this section.*



**Additional Comments**

None

**Additional/Amended Conditions**

None

***Item 7 – CB/18/04383/RM – Manor Farm, Watling Street, Kensworth, Dunstable, LU6 3QU***

**Additional Consultation/Publicity Responses**

None

**Additional Comments**

None

### **Additional/Amended Reasons**

None

### ***Item 8 – CB/18/04165/OUT – Oakridge, 13 Orchard Close, Upper Gravenhurst, Bedford, MK45 4JF***

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

None.

#### **Additional Comments**

The report references that the Housing officer requested 19 affordable homes, this has since been revised to require 18 affordable homes which will form part of the Section 106 Agreement should members resolve to approve that application.

It is stated in the report that Development Management Committee made the previous decision on this site, this was in fact incorrect as the decision was a delegated decision prior to the planning appeal being lodged.

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

Notwithstanding the description of the development the number of properties to be constructed on the site, shall not exceed 52 dwellings.

**Reason:** In the interests of highway safety, the character and amenity of the area and to allow for bio-diversity issues to be fully addressed.

### ***Item 9 – CB/18/02600/FULL – Leedon Service Station, Hockliffe Road, Leighton Buzzard, LU7 3JU***

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

None.

#### **Additional Comments**

One further objection has been received, raising issues already raised apart from: the increased use of footpaths as a result of the development harming the privacy of neighbouring residents.

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

Add a further informative: 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.

***Item 10 – CB/18/02275/FULL – Land at Former Church of St Vincent, Tithe Farm Road, Houghton Regis***

**Additional Consultation/Publicity Responses**

None.

**Additional Comments**

None.

**Additional/Amended Conditions**

Condition 7 to be amended to read: All tree work and protection requirements shall be carried out in strict accordance with Section 6.0 "Recommendations/Tree Protection Strategy", Appendix 2 "Survey Schedule" and Appendix 3 "Tree Constraints/Protection Plan" of the supporting document "Tree Survey Report -Pre Development" dated March 2018 and prepared by RGS Arboricultural Consultants. The tree protection fencing shall remain securely in position throughout the entire course of development works.

Reason: to remain unchanged.

Condition 16 be removed and replaced with the following: Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

Add a further informative: 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.

***Item 11 – CB/18/03451/VOC – Valley View, Hemel Hempstead Road, Dagnall, Berkhamsted, HP4 1QR***

**Consultation Responses**

Studham Parish Council comments (Apologies but these were not included into the committee report).

Studham Parish Council object strongly to the requested variation of the existing planning consent (KB/12/03219) from a temporary consent to a permanent one for Valley View, Hemel Hempstead Road, Dagnell, Berkhamsted, HP4 1QR.

Studham Parish Council considers that the proposed development is inappropriate development in the Green Belt and Area of Outstanding Natural Beauty ("AONB"). As stated later, Studham and the subject site fall within the Chilterns AONB and this needs to be taken into account.

The reasoning behind the "temporary consent" remains valid as the Central Bedfordshire Council Local Plan 2035 ("CBCLP") remains outstanding albeit has now been submitted to the government on 30 April 2018, and is subject to an independent examination by a Planning Inspector (Regulation 22).

The draft policy is outlined in Section 10 and in particular Policy SP8: Gypsy and Traveller, and Travelling Showpeople Pitch Requirement. There is commentary on the PPTS and the change in definition which removed persons who have ceased to travel permanently meaning that those who have stopped travelling no longer fall under the planning definition of a Traveller in terms of assessing the needs for accommodation. As a result, it is noted the need in Central Bedfordshire has been reduced by 43% since the previous assessment was undertaken in 2014.

Policy SP8 states that 71 pitches will be created by 2035 and that only 14 are required by 2021. This is a very small figure and it would seem that this makes the application to turn the temporary planning consent into a permanent less relevant, and is not required.

#### (C) Planning Meeting Overview & Community Feedback

For the record, 4 residents attended the Planning Committee Meeting held on Tuesday 9 October 2018 but the applicant and their advisors did not attend.

Studham Parish Council had received apologies from 2 people who could not attend the meeting. I set out the key issues raised (in no particular order) at the planning meeting as follows:-

- The site is in the Green Belt and ANOB.
- The site is prominent within the Gade Valley.
- We were told that the occupants of Valley View have a large number of dogs on-site which are noisy. Is this some form of dog kennels; breeding programme or rearing puppies on the site?
- Following the granting of the "temporary" planning consent, we understand that a further semi-permanent marquee style of tent of similar size to the second static caravan has been erected outside the defined area on the site, along with another caravan.
- If permanent consent is granted, this will simply be the first of many such applications for this site i.e. "planning creep" and as a result, the variation should be refused.
- The site has a significant and controversial planning history.
- The applicant does not own the access road to Valley View.
- The access road is narrow and is not suitable for touring caravans to enter/exit the site.

- There are no new "very special circumstances" to justify the variation.
- It is alleged that none of the touring caravans have moved since arriving at Valley View.
- The occupants of Valley View leave 8 bins of rubbish for CBC to collect every fortnight which is significantly more than you would expect from the occupants of two static caravans.
- The original planning consent (back in 1999) permitted no more than one caravan to be stationed on the site for residential purposes.
- The applicant has had just over 2 years to find an alternative site at the time of this planning application.

We can confirm that there was no support for the proposed variation to the existing planning consent from the parishioners attending the meeting.

Based on the above feedback, Studham Parish Council considers that CBC's Planning Team should make an unannounced site visit to Valley View to assess what has happened to the site since the temporary planning consent was granted by the SoS as at 11 July 2016, and whether or not any planning conditions to that consent have been breached. The results of which, should be expressly included with the Planning Officer's report.

#### (D) Parish Council's Observations on the Planning Application Documents

We have reviewed all submitted papers for CB/18/03451/VOC and we have no material comments to make thereon.

#### (E) Conclusions Green Belt/ANOB

Studham Parish Council considers that the proposed development is inappropriate development in the Green Belt and Area of Outstanding Natural Beauty ("AONB"). Studham and the subject site fall within the Chilterns AONB and should be treated accordingly.

#### Very Special Circumstances

In accordance with the guidance contained within the revised NPPF document, the site is within the Green Belt, the only way that the proposed development can be given planning consent is if there are relevant and valid 'Very Special Circumstances' ("VSC") to justify the end development, which do not outweigh the harm and openness to the Green Belt. This statement and approach has been applied consistently by the Parish Council when considering planning applications within the village.

The location is simply inappropriate for such development and it should be refused.

We do not consider that there is any such argument to vary the existing planning consent. The Chilterns Conservation Board ("CCB")

Studham Parish Council fully endorses and agrees with the objection from the CCB dated 10 October 2018, a copy of which is attached in Appendix 2.

The application site falls within the AONB and the reference to the AONB Management Plan 20142019 is telling. L5 states that "Developments which detract from the Chilterns' special character should be resisted". As CCB state, "a relocation of this use would be a positive benefit to the landscape character of the Gade Valley".

Other comments made in respect of Section 85 (i) of the Countryside and Rights of Way (CROW) Act and Paragraph 172 of the National Planning Policy Framework (NPPF as revised in July 2018) are equally clear.

### Summary

Taking into account all the relevant issues, Studham Parish Council hereby strongly object to the planning application request to vary the temporary consent to a permanent one.

It is clear that whilst the CBCLP approval process is ongoing, there is no need to vary the temporary consent to a permanent one.

However, if CBC Planning Team consider that that the applicant should withdraw this application and submit another for a "one off" extension of the temporary consent by say 12 to 24 months (maximum), Studham Parish Council would consider such an extension to be suitable; justified and appropriate in order for (1) CBC to crystallise their relevant five year supply numbers post the CBCLP being adopted and (2) to allow the applicant additional time to find an alternative site (pitch) in the CBC region or elsewhere.

It is also noted and welcomed that Ward Councillor Richard Stay has formally requested (on 16 October 2018) that the matter is referred to the Development Management Committee ("DMC") if CBC's Planning Team is minded to recommend for approval.

### Appendix 2

**Copy of Chilterns Conservation Board's Objection dated 10 October 2018**

The **Chilterns** CONSERVATION BOARD

**Valley View, Hemel Hempstead Road, Dagnall, Berkhamsted**

**Variation of Condition: Conditions 3 & 5 of planning permission CB/ I3/03219/FULL Consent to be changed from Temporary to Permanent.**

**C BC reference: CB/18/03451/VOC**

**CCB Comment / Part Objection (based on Sec of State Decision as planning history)**

**10th October 2018**

Thank you for consulting the Chilterns Conservation Board (CCB). The application site falls within the AONB and the principal legal and policy duties will apply as:

- The **AONB Management Plan 2014-2019** at **L5** - *'Developments which detract from the Chilterns' special character should be resisted'* and **D 12** *'Developments should be sought that represent the highest environmental and design standards whilst complementing the character of the AONB'*

- **Section 85 (i) of the Countryside and Rights of Way (CROW) Act** - *'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'*
- **Paragraph 172 of the National Planning Policy Framework (NPPF)** (as revised July 2018) *'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues'*

In this case a long planning history has culminated with the Secretary of State's decision in July 2016 to issue a 3 year temporary consent for the additional static and touring caravans. This is a clear and definitive material planning consideration and weight must be given. The rationale behind the temporary consent was to allow the Local Planning Authority the opportunity within the Local Plan process to deliver new sites after a 3 year period. Whilst the Secretary of State formed the view that there would be a limited visual impact (his paragraph 17), it was accepted that the proposal would have a small degree of harm on the character and appearance of the open countryside *'and will conserve the landscape and scenic beauty of the AONB'* (paragraph 25). Even accepting the Secretary of State's point that the AONB impacts were weighed as 'neutral' in the balance, it follows that to end the use at the expiry of the temporary period (thus reverting to an allocated location) would result in a positive improvement to the AONB. In fact the Inspector in her decision balanced a series of very special circumstances against the harm to the AONB and Area of Great Landscape Value (in her decision at paragraph 81). Again it follows that to relocate this use would be a positive benefit to the landscape character of the Gade Valley and would deliver on the planning logic as laid out by the Secretary of State. To grant a permanent permission would extinguish any possibility that this could happen. Further with the current progress on the new Local Plan, such matters are contained in chapter 10 of the regulation 19 submission to the Secretary of State and will be considered in the forthcoming findings of the Inspector following the examination-in-public.

CCB is grateful for the opportunity to submit these comments. We would raise objection to a permanent consent because an opportunity is lost to enhance the AONB and accommodate longer term needs via the Local Plan process, for the benefit of all parties. Section 85 of the CROW Act 2000 sets out a duty of regard to deliver the conserving *and* enhancing the natural beauty of the area of outstanding natural beauty (our emphasis).

**The Chilterns Conservation Board**

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## Additional Comments

### Heine Planning Consultancy

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16 February 2019  
L1-50-09/2019

Mrs J Martin  
Central Bedfordshire Council  
Priory House  
Monks Walk  
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By email [judy.martin@centralbedfordshire.gov.uk](mailto:judy.martin@centralbedfordshire.gov.uk)

Dear Mrs Martin  
**Re: Valley View Dagnall**  
**Mrs J Golby Webb**  
**LPA ref: CB/18/03451/VOC**

I have been asked by Mr C Webb on behalf of his wife and applicant, Mrs J Golby Webb, to write this letter in connection with the above application. I represented Mrs Webb with her previous appeal. I understand that as previously the recommendation of the Council will be to grant permission on a permanent basis. However I am told that the local MP, a Mr Selous, has announced his intention to apply to the SOS to call this application in if the Council are minded to grant permission.

In December 2013 the former SOS CLG Mr E Pickles called this application in. It led to a very expensive Inquiry at which the Council, represented by Ms S Sheikh QC, supported the case for the Appellant. The recommendation of the Inspector to grant permission on a permanent basis or, in the alternative for a 4 year temporary permission. The Inspector found that there was only a small degree of harm to the AONB and material considerations sufficient to clearly outweigh the significant harm to the Green Belt. The Inspector's recommendation was however overruled on the question of the balancing exercise, and permission was granted for a temporary period of just 3 years.

Since that decision NPPF has been revised. Para 172 is now accepting of limited development within AsONB. This adds yet further support for this application.

It is also my understanding that the Council is still unable to offer the family any suitable alternative accommodation where they could live in their caravan in accordance with their Gypsy way of life.

In the circumstances I consider the Council can and should rely on the recommendations of Inspector Fabian and the closing submissions of M Sheikh QC. Nothing of any substance has changed since the Inquiry in 2014 that I am aware of.

In practice, very few applications are called-in every year. They normally relate to planning applications which raise issues of national significance. Most of my work is with Gypsy Traveller related matters. I have represented Gypsy Travellers at Planning Inquiries for almost 20 years. I can think of no other Gypsy- Traveller application that has been called in since the last appeal decision for this site in July 2016. I am however aware that many other Gypsy Traveller applications have been approved in the Green Belt, AsONB and National Parks. If it would assist you I could provide details but I am attaching a recent decision for a site in the South Downs National Park where, on two previous occasions, the Mr Eric Pickles recovered applications for a small Gypsy sites and twice overruled his Planning Inspectors who recommended that permission be granted. At the third time of

asking, with Mr Pickles no longer in post, the appeal was not recovered or called in, and permission was granted.

I know of no Gypsy Traveller case that could be considered exceptional. Most Gypsy Traveller appeals are capable of being considered at hearings. Other than the case in the South Downs NP I know of no other authority where an MP has felt it necessary to intervene and have a case recovered/ called in. More to the point, I know of no current Gypsy Traveller case that could be considered of national significance. Most applications are, as in this case, for small private family sites to meet a local need that can not be met elsewhere.

This case concerns an existing authorised caravan site. It represents infilling of a lawful, previously developed site. The neighbouring residential properties could all station a caravan/ mobile home in their domestic curtilage for uses ancillary to the dwelling without the requirement for planning permission. It is far from clear why infilling a residential site, with further residential development, between other residential properties, is of such concern to justify the application being called in.

Those seeking to call in applications should give clear reasons why they think that the application should be called-in, including why it is of more than local importance. I understand that to date Mr Selous has failed to provide this justification. We do not know what his reasons are and whether any merit can be attached to them. But Mr Selous failed to attend the Inquiry in 2014 and my clients are not aware of any concerns reported to him since the last Inquiry some 4.5 years ago. From studying your website, there would appear to be no objections from any local residents either to this application. I am further led to understand that one of the main objectors to this proposal at the 2014 Inquiry and occupier of the adjoining house has since sold her property. It is apparent the presence of this caravan site has not deterred others from moving to this locality.

The power to call-in planning applications under section 77 of the Town & Country Planning Act 1990 is very general in scope but is generally considered to concern cases where development

- may conflict with national policies on important matters;
- may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;
- could have significant effects beyond their immediate locality;
- give rise to substantial cross-boundary or national controversy;
- raise significant architectural and urban design issues; or
- may involve the interests of national security or of foreign Governments.

In my view none of the above would apply to this case.

As you will recall in a 31 August 2015 letter to Chief Planning Officers in England, the Government set out how the Planning Inspectorate would monitor appeals involving unauthorised development in the green belt. It also said that the Secretary of State would recover a "proportion of relevant appeals in the green belt. The previous coalition Government had a policy to recover appeals relating to traveller sites in the green belt. Following a high court challenge in the case of Moore and Coates v SSCLG [2015] EWHC 44 (Admin) certain aspects of this policy were found to be contrary to provisions in the Equality Act 2010 and the European Convention of Human Rights. The then Government decided to "de-recover" a number of these outstanding appeals. The courts are still considering the legality of the unlawful decisions taken by the former SoSCLG Mr Pickles.

I fail to see how the actions of Mr Selous stand any chance of succeeding. It is very important the Planning system is seen to act fairly and proportionately. Given the considerable cut backs in funding to local authorities it is also of great importance that public money is not squandered pursuing Planning Inquiries that are unnecessary.

The Department for Communities and Local Government's website publishes all of the recent call-in and recovered appeal cases determined by the Secretary of State. Just 12 cases were called in during 2018. None concerned a Gypsy Traveller site. Most if not all were for large new housing developments outside settlements. Furthermore, I know of no Gypsy Traveller case recovered following the 2015 ruling into the unlawful actions of the former SoSCLG.

The current SoS Mr J Brokenshire has recently declared that his priority is to help build 'thriving, liveable and resilient places-where people get along'. He has declared that 'communities are at their best as part of a tolerant society, where we live, work and socialise together;' The current government has frequently referred to the need for fair play and equality and how this must underpin our society. It has also recognises the need to support the travelling community to improve their life chances.

Until and unless Mr Selous MP is willing and prepared to justify why he is of the opinion this application should be called in and why he considers it meets the tests listed above, I trust Central Bedfordshire Council will seek to determine this application through the proper procedures and, if it is concluded the proposal is compliant with policy and any harm is clearly outweighed by other material circumstances, recommend approval with appropriate conditions. Maybe then Mr Selous will reflect on his 'threat', have regard to the wise words of Mr Brokenshire and rethink the justification to request that this application be called in. But if he does not, it will then be for the SoSCLG to defend any decision to call this application in at a Public Inquiry. Having failed to persuade an experienced Planning Inspector of the merits of their case in 2014, and, given the damning criticisms of the actions of Mr Eric Pickles, former SoSCLG, in 2015 I am rather inclined to think the current SoSCLG will think twice before calling in an application a second time without very good justification for fear of acting contrary to his self declared priorities to 'diffuse, resolve and heal divisions in places we call home'.

As you are aware, this proposal would help assist the Council meet the need for sites in this district at no expense to the public purse.

If I can be of further assistance, please do not hesitate to contact me.

Yours Sincerely

Mrs Alison Heine

**A letter from the applicant (dated the 18<sup>th</sup> February) was received which detailed in depth the personal circumstance of their family including the medical history of family relatives. The letter also refers to the importance of the daughter attending the local school; the importance of her education and the need to provide support for the family relative living on site. The applicant also refers to the planning history of other developments around the site**

### ***Item 12 – CB/18/04368/VOC – Maple House, Nicholls Close, Barton-le-Clay, Bedford, MK45 4LL***

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

None.

#### **Additional Comments**

None.

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

None.

***Item 13 – CB/17/02694/OUT – Land opposite (south) of Ivy House, Lodge Road, Cranfield, Bedford, MK43 0BQ***

**Additional Consultation/Publicity Responses**

An additional objection has been received from a Neighbour as well as an additional petition signed by 37 residents dated 12<sup>th</sup> December 2018.

**Additional Comments**

The additional objection and petition do not raise any further issues than those summarised in the “Other Representations” section of the report and as such the issues raised have been formally considered through the existing report.

**Additional/Amended Conditions**

None.

***Item 14 – CB/16/05438/OUT – Land at Former Readshill Quarry, Back Street, Clophill***

**Additional Consultation/Publicity Responses**

Nothing to add.

**Additional Comments**

Nothing to add.

**Additional/Amended Reasons**

Nothing to add

***Item 15 – CB/18/04625/FULL – Glebe House, 4 Station Road, Blunham, Bedford, MK44 3NQ***

**Additional Consultation/Publicity Responses**

Nothing to add.

**Additional Comments**

Nothing to add.

## **Additional/Amended Reasons**

Nothing to add.

## ***Item 16 – CB/18/04013/OUT – Land between 21 to 39 Thorncote Road, Northill, Biggleswade***

### **Additional Consultation Responses**

#### **Consultation response received from Landscape Officer stating:**

“CB/18/04013 - Thorncote Road, Northill - Landscape and Visual: there would not be an objection on landscape grounds, subject to a satisfactory layout at the RM stage which allows for a more effective landscape scheme.

The site lies within the *Mid -Greensand Ridge* landscape character area, where the landscape strategy is to "*conserve and enhance* " traditional features. The strong sense of enclosure provided by the eastern boundary hedge and trees is a very important characteristic feature of the area.

A concern with this proposal is the substantial removal of the Thorncote Road hedge and verge as a requirement for sight lines and access and in order to install a footway. The layout indicates that new roadways and on street parking could be very close to the hedge and within the canopy of the existing trees. The indicative layout would lead to some sections of the existing boundary hedgerows becoming part of the residential gardens and not retained and managed within the public realm, as recommended in the Design Guide.

The green square of amenity space which allows scope to establish some larger tree species is welcomed.

Suds - there is no indication of a surface feature - an ecologically rich design for drainage would help to meet the nett gain required within the NIA.

The detailed design will need to secure a replacement native frontage hedge and provide for an element of verge in order to maintain the rural character of the road. Sufficient space must be allocated to enable the hedge to grow to maturity and blend with the retained sections. The use of mature hedgerow stock and hedgerow trees would help to provide enclosure at an early stage, although such planting will require a higher level of maintenance. The sensitivity of this gateway site within the Northill requires the highest level of mitigation. It may be possible for visitor parking bays to be surfaced with a strengthened grass or bound gravel surface, rather than a hard surface, to help safeguard root areas and be sympathetic to the greensand character.

A detailed Landscape Specification and Landscape and Ecology Management Plan will be required by Condition. This would need to address the management and infill of the roadside hedge. Management of the existing hedges will be critical to ensure its long-term screening and ecological value.

Locally native trees and shrubs, raised from Bedfordshire stock, can be sourced from Oakover Nurseries in Kent.

*nb. Northill is within the " Greensand Country " Landscape Partnership project area - a HLF funded initiative to conserve and enhance the greensand landscape with the aim of reversing the decline in landscape character experienced over many years. Housing design creating a sense of place, well integrated and sympathetic to the village setting would be welcomed as an exemplar of good design".*

**Consultation response received from the Council's Community Infrastructure Officer seeking:**

The Council's Community Infrastructure Officer has requested the following financial contributions:

- £20,000 towards the complete refurbishment of Northill Village Hall Kitchen.
- £2,880 towards the repair of stonework at Upper Caldecote Methodist Church Hall.

**Consultation response received from Bedfordshire Clinical Commissioning Group stating:**

"Consideration of the potential consequences of this development and the health infrastructure implications has been undertaken on behalf of NHS England and Bedfordshire Clinical Commissioning Group.

This application will generate circa 55 additional patient registrations. The closest GP surgery is Sandy Health Centre with the current premises deemed constrained. A premises constraint affects a surgery's ability to take on new patients and even new GP's and allied clinical staff, especially with the requirement to offer a wider range of patient services from GP Practices, including mental health and community services and some outreach specialist services from local hospitals, delivering care locally and reducing referrals into secondary care.

The requested contribution is calculated only on the number of additional new registrations this development will generate and therefore will contribute in proportion towards the costs of re-configuration or extension of the premises. The s106 request for this development has been calculated for the primary care element only - General Medical Services (GMS); please note that due to the size of this application the health Commissioners are not requesting an additional contribution towards community, mental health or acute services.

Until 1 April 2019 Primary Care is currently commissioned by NHS England which has a co-commissioning relationship with Bedfordshire Clinical Commissioning Group (CCG). From 1 April 2019 Bedfordshire CCG will take on responsibility for commissioning Primary Care as well as the Acute, Community and Mental Health services it already commissions.

The primary care calculation is based on a formula adopted across the NHS England Midlands and East (Central Midlands) team to provide consistency for all the 25 local

authorities it works with and as part of the single operating model of best practice it has developed. Bedfordshire CCG will continue to use this calculation post April 2019”.

A contribution of £815 per dwelling is sought towards the costs of re-configuration or extension of the GP premises at Sandy Health Centre.

**Additional Consultation response received from Northill Parish Council stating:**

Northill Parish Council submitted a Rural Match Funding scheme on the 31st January 2019 for traffic calming/speed restrictions along Bedford Road, Northill close to and outside Northill Lower School. I was, therefore, surprised to read in the report that no infrastructure project has been identified.

If the development at Thorncote Road, Northill is approved it will generate an increase in the volume of traffic using Bedford Road and also the number of children attending Northill Lower School. Therefore, why is the RMF scheme put forward by Northill Parish Council not being considered for S106/CIL monies?

**CBC Strategic Transport Team response received in relation to Northill Parish Council additional consultation response:**

Northill Parish Council have supplied data from 2017 in relation to traffic on Bedford Road, Northill and CBC also have data from the VAS unit. The two sets of data are conflicting, so CBC will be taking more data before a decision is made on what to do with the application for Rural Match Funding (RMF) and determining the form of improvements required.

For the reasons outlined above there is no costed scheme of mitigation for Bedford Road in relation to Traffic Calming.

**Additional Comments**

**Landscaping:**

The committee are advised that the concerns of the landscape officer are addressed through conditions on the recommendation:

- Condition 5 of the recommendation seeks for a landscaping and maintenance scheme to be submitted as part of any reserved matters application. This condition seeks to retain the trees and hedgerows upon the frontage where possible and the replacement of any lost trees or hedgerows.
- Condition 6 of the recommendation seeks to ensure a soft landscaping buffer to be provided on the site frontage and eastern boundary.
- Condition 13 of the recommendation allows flexibility for the routing of the footpath through the site, to allow for the retention of the frontage hedgerow.

- Condition 8 requires a surface water drainage scheme to be submitted, to be based on the agreed drainage strategy and DEFRA's Non-statutory technical standards for sustainable urban drainage systems.
- Condition 20 requires the submission of an ecological enhancement strategy to ensure a net gain in biodiversity is achieved.

### **S106 requests and amended Recommendation**

It is considered that the requests for Community Infrastructure and Healthcare Infrastructure projects would meet the tests under the CIL regulations.

The Officers Recommendation is amended to seek contribution for those infrastructure projects.

However; it is not considered that Traffic Calming on Bedford Road, would be necessary to make development at this site acceptable and no costed scheme is available for Bedford Road at this time. Traffic Calming on Thorncote Road have been secured by Condition 15 of the recommendation.

### **Additional/Amended Conditions**

Amendment to condition 1 to remove access from reserved matters. Condition 1 to state:

Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### ***Item 17 – CB/18/02240/OUT – The Limes, 85 High Street, Henlow, SG16 6AB***

#### **Additional Consultation Responses**

Cllr David Shelvey has issued the following comments:

The above application was called in when it was for more houses. It has subsequently been modified in a number of areas and is now only 3 houses which is reasonable for the area.

I have been discussing this with my fellow ward councillor Richard Wenham having read your report and we are happy to withdraw the call in if it is not too late. If it is, we will not be speaking against it.

We do have one small issue which we would like clarified. The property is called the Limes and has 6 lime trees along the front. Two or three will be lost due to the new access, the report states that trees will be planted to replace those lost we feel that some substantial trees should be replanted to avoid effecting the street scene in the Henlow Conservation area. What would be acceptable to fulfil this condition?

### **Additional Comments**

Notwithstanding the Ward Members withdrawal of their call-in request. Due to the date of the request and the date of publication of the agenda, unfortunately the request was too late to remove this item from the Committee Agenda.

Condition 5 of the recommendation seeks for replacement tree and hedgerow planting. It is considered that this would include the loss of any frontage trees.

### **Additional/Amended Conditions**

Amendment to condition 1 to remove access from reserved matters. Condition 1 to state:

Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

## ***Item 18 – CB/19/00182/REG3 – Central Bedfordshire Council Car Park, Station Approach, Steppingley Road, Flitwick, MK45 1AJ***

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

One additional neighbour comment received, relating to extra lighting, parking coming closer to residential properties, and matters previously considered within the main report. The concerns relate to the plans not being clear. It is restated that this application is to renew the existing temporary planning permission, and no physical changes to the existing car park are being considered.

### **Additional Comments**

Nothing to add

### **Additional/Amended Conditions**

Nothing to add