

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE 24/04/2019

Item 5 - CB/18/04553/FULL - North Star Cottage, Watling Street, Hockliffe, Leighton Buzzard, LU7 9PY

Additional Consultation / Publicity Responses

None received.

Additional Comments

The call in requested was made by Cllr. Versallion for the following reasons:

- Landscaping and screening could resolve issues of aesthetic and industrial view concerns;
- Was already an ugly dilapidated industrial site without sufficient screening.

On 18th April an email was received from the applicant, Mr McBride, and states the following:

I have had the opportunity to review your committee report for the application at North Star Cottage.

I appreciate your even-handed approach and your overall assessment is fair and honest, naturally I might disagree with a few points but that is the nature of these things.

However, to aid me and to aid clarity, (because I will only have 3 minutes to speak at the committee), it would be helpful to clarify a couple of things which could be included on the Late Sheet. This will remove the need for me to discuss these matters.

1. Point 1.6 in your report

1.6 The retention of the business in the District and subsequent retention of local jobs is deemed a positive aspect of the proposal. Additionally, the NPPF identifies the importance of building a strong, competitive economy and paragraph 83 emphasises the need to support sustainable growth and expansion of businesses in rural areas, although this does not relate to open storage.

Paragraph 83 actually states that "the need to support all types of business" as shown below;

Supporting a prosperous rural economy

83. Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

I think it would be fair to point that out in the late sheet with a correction, I will then not need to refer to that point at the meeting.

The other point was that in the committee report the Landscape Officer and the PROW officer's consultation responses are shown but in your consideration at;

2. Impact on the Green Belt and open countryside

The Landscape Officer's comments are discussed, and quite rightly. However, it would be fair to also point out The Rights of Way Officer's comments.

Again, I then would not need to refer to this at the meeting.

I have highlighted the relevant section from the report

Rights of Way Officer

No public right of way seems to be directly affected but Chalgrave Public Footpath no. 45 lies to the north of the site and Houghton Regis Public Footpath no. 29 lies to the south. Houghton Regis Public Footpath no. 29 which has a signpost at the A5 end should remain completely unaffected by the proposals and any new planting or fencing.

Hopefully you can understand that I have to put forward my whole case in 3 minutes and clarification of these points would be fair.

In response, it is acknowledged that paragraph 83(a) of the NPPF supports a prosperous rural economy and policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed buildings. As specific reference is made to expansion of existing or provision of new buildings, it is not directly related to open storage, a point that is highlighted in paragraph 1.6 of the Officers report.

In terms of the comments from the Rights of Way Officer, these relate to the function of the public footpaths and it is deemed that these would be unaffected by the proposals. The comments do not relate to the views from these rights of way, which are instead covered by the Landscape Officer.

Additional / Amended Conditions / Reasons

None

Item 6 - CB/17/05679/OUT - Land adjoining Dunstable Road and to the Rear of My Folly and the Scout Hut, Dunstable Road Caddington LU1 4AL

Additional Consultation / Publicity Responses

Additional consultation responses from the local Scout Group and from 1 neighbour, the comments and objections raised have been raised previously and are already included within the officers report.

Item 7 - CB/19/00041/REG3 - Former Flitwick Leisure Centre Steppingley Road Flitwick

Additional Consultation / Publicity Responses

Consultation response from the Bedfordshire Clinical Commissioning Group raising no objection to the proposed development subject to the following financial contributions:

- Financial contribution of £23,048.20 for the provision, expansion or enhancement of Community Healthcare Services to meet the needs arising from the development;
- Financial contribution of £26,340.80 for the provision, expansion or enhancement of Mental Healthcare Services to meet the needs arising from the development; and
- Financial contribution of £89,952.97 for the provision, expansion or enhancement of local GP facilities providing primary healthcare services to meet the needs arising from the development.

Consultation response from the Council's Community Facilities Officer raising no objection to the proposed development subject to on site provision of Community Facilities or the following financial contribution:

A financial contribution of £109,103.50 for the provision, improvement or enhancement of community facilities at Flitwick Leisure Centre, or Rufus Centre to meet the needs arising from the development.

Additional Comments

It is considered that healthcare and community infrastructure provision or improvements are necessary for the development to be acceptable. The applicant has requested flexibility for the provision of on or off-site infrastructure, which is considered acceptable. Condition 27 and the description of the application has been amended to ensure that necessary infrastructure is provided on or off site to meet the needs arising from the development.

It has been requested by the applicant for Condition 26 to be amended to allow flexibility for affordable housing mix which may be required to offset affordable housing provision upon another site. The Council's Strategic Housing Team have raised no objection to the revised wording of Condition 26 or the principle of the mix proposed. The condition requires the submission of an affordable housing scheme and as such the judgement upon the acceptability of any future proposed quantum or mix of affordable homes will be subject to the approval of the Local Planning Authority.

Amended Description

Application for Outline planning permission with all matters reserved for the construction of **up to** 37 residential dwellings (Use Class C3), 95 extra care housing apartments (Use Class C3) and registered residential care home consisting of 70 bedrooms (Use Class C2), with associated communal facilities and ancillary uses including, **community**; hair salon; shop; cafe; health; and fitness uses

Additional / Amended Conditions / Reasons

- 26 **Development shall not commence until a scheme for the provision of affordable housing as part of the development has been approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future national policy that replaces it. The scheme shall include:**
- i) The number, type and location on the site of the affordable housing provision to be made which shall consist of not less than 35% of dwelling units including extra care units;**
 - ii) The tenure shall be split: up to 71% affordable rented and up to 50% intermediate tenure;**
 - iii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing including extra care units;**
 - iv) The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Housing Provider is involved;**
 - v) Details on the arrangements to ensure that the provision is affordable for both the initial and subsequent occupiers of the affordable housing; and**
 - vi) The occupancy criteria used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

Reason: Details are required prior to the commencement of development to ensure the policy compliant provision of affordable homes to meet identified needs, in accordance with Policies CS4 and DM10 of the Core Strategy and Development Management Policies (2009) and the NPPF.

- 27 **No development shall take place until a mitigation scheme for the delivery of infrastructure projects on and/or off site to meet the additional demand for outdoor sports, indoor sports, community facilities, GP provided primary healthcare services, Community Healthcare Services and mental health care services, arising from the development has been submitted to and approved in writing by the Local Planning Authority; or in the event of Council Land Transfer of any part of the site to a developer a Section 106 agreement has been entered into to secure financial contributions towards and/or on site provision of outdoor sports, indoor sports, community facilities, GP provided primary healthcare services, Community Healthcare Services and mental health care services, infrastructure, in the form of the draft attached hereto. The mitigation scheme shall include timescales/ triggers for completion. Thereafter the mitigation scheme shall be implemented and completed in full accordance with the approved details and in accordance with the approved timescales/ triggers.**

Reason: This condition is pre commencement, to secure appropriate mitigation for the impact of the development on local infrastructure, in accordance with the NPPF.

Section 106 obligations - heads of terms

Please see the box below for the heads of terms for S106 to be attached to the decision notice.

Former Flitwick Leisure Centre, Steppingley Road, Flitwick ref CB/19/00041/REG3 Heads of Terms

The following has been agreed and shall form heads of terms to a S106 agreement with any developer of the site should any part of the land be transferred from the Council's ownership to a developer, which given the Council is landowner would be secured by way of an appropriately worded Condition requiring any future developer to enter into a Section 106 Agreement with the Local Planning Authority prior to commencement of development:-

- Either a financial contribution of £23,048.20 for the provision, expansion or enhancement of Community Healthcare Services to meet the needs arising from the development; or equivalent on site provision;
- Either a financial contribution of £26,340.80 for the provision, expansion or enhancement of Mental Healthcare Services to meet the needs arising from the development; or equivalent on site provision;
- Either a financial contribution of £89,952.97 for the provision, expansion or enhancement of local GP facilities providing primary healthcare services to meet the needs arising from the development; or equivalent on site provision;
- Either a financial contribution of £109,103.50 for the provision, improvement or enhancement of community facilities at Flitwick Leisure Centre, or Rufus Centre to meet the needs arising from the development; or equivalent on site provision;
- Either a financial contribution of £116,970.00 towards the reconfiguration of the fitness suite at Flitwick Leisure Centre; or equivalent on site provision for indoor sport;
- Either a financial contribution of £47,029.00 towards the improvement works at Flitwick Cricket Club, including redevelopment of the pavilion; or equivalent on site provision for outdoor sport.

The above contributions are based on existing construction costs and values and the following quantum of development: 37 residential dwellings (Use Class C3), 95 extra care housing apartments (Use Class C3) and registered residential care home consisting of 70 bedrooms (Use Class C2). All financial contributions would be subject to the quantum of development approved and up dated costs to be determined at the time of the signing/ sealing of the S106 agreement.

Infrastructure projects indicated may be subject to amendment if the project identified has been delivered or alternative priority projects are identified.

Any part on site provision and part financial contribution towards infrastructure types will require agreement from the Local Planning Authority.

Item 8 - CB/19/00045/FULL - 140 Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BJ

Additional Consultation / Publicity Responses

None received.

Additional Comments

A noise survey was submitted 18.04.2019 to address the potential conflicts with the neighbouring commercial use at Woodlands Nursery. The Council's Pollution Team has reviewed the survey and found it to be substandard, not in compliance with BS4142. They have therefore recommended the condition below.

Following the submission of an amended access plan the Highway Officer has recommended an additional two conditions.

Additional / Amended Conditions / Reasons

Additional conditions:

There shall be no works above slab level until a noise control scheme for road traffic and commercial noise has been submitted for approval to the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the agreed scheme prior to the occupation of any unit which requires mitigation.

Reason: To protect residential amenity.

The development hereby permitted shall be carried out in complete accordance with the Daniell Ltd Construction Management Plan received 17.04.2019.

Reason: In the interests of highway convenience, safety and residential amenity.

No dwelling shall be occupied until visibility splays have been provided at the junction of the estate road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 43m measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access(es) and to make the access(es) safe and convenient for the traffic which is likely to use it (them).

Before the development is brought into use, the proposed development shall be carried out and completed in all respects in accordance with the access siting and layout illustrated on the approved plan No.OAKAB-001 and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

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

Amended condition 12:

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and documents, numbers OAKAB-001 (Site Layout/Access), OAK_034 Sheet 01 (Site Plan & Location Plan), OAK-034 Sheet 02 (Plot 1,2 & 5), OAK-034 Sheet 03 (Plot 3,4,6,7,& 8), JBA18/216-01 Rev F (Soft Landscaping) & JBA18/216-02 Rev F (Hard Landscaping).

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