

## **Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/17/01911/FULL</b>
<b>LOCATION</b>	<b>Chiltern Aquatics Centre, Westoning Road, Harlington, Dunstable, LU5 6PA</b>
<b>PROPOSAL</b>	<b>Full planning permission for the redevelopment of the site to provide 10 no residential units, with associated landscaping, car parking and drainage.</b>
<b>PARISH</b>	<b>Harlington</b>
<b>WARD</b>	<b>Toddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Costin &amp; Nicols</b>
<b>CASE OFFICER</b>	<b>Lisa Newlands</b>
<b>DATE REGISTERED</b>	<b>20 April 2017</b>
<b>EXPIRY DATE</b>	<b>20 July 2017</b>
<b>APPLICANT</b>	<b>McCann Homes</b>
<b>AGENT</b>	<b>DLP Consultants</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Major application with a Parish Council Objection</b>  <b>Full Application - Recommended for Approval</b>

### **Summary of Recommendation**

The proposal would result in the redevelopment of a brownfield site within the Green Belt in accordance with the NPPF. The proposal is considered to comply with policies in respect of access and highways, landscape, character and appearance, and neighbouring amenity. It is therefore recommended that planning permission be approved.

### **Site Location:**

The site is located on the north western side of Harlington within the South Bedfordshire Green Belt, adjacent to the settlement envelope. Harlington is identified as a large village within Policy CS1 of the Core Strategy and Development Management Policies for Central Bedfordshire (North).

The site has an established access from Westoning Road serving the existing business on the site (Chiltern Aquatics). The site comprises a single large footprint building which has a footprint of 880sqm, with a number of smaller outbuildings, sheds and other structures spread over the remaining area of the site. The total floorspace of built form on the site is considered to be some 1,241sqm.

To the north, the boundary is defined by a belt of leylandii trees, beyond this overgrown hedge lies an area of scrub, with pastoral fields and larger arable fields extending to the north, towards Westoning.

To the east the site is defined by the elevated embankments of the mainline railway that runs broadly north-south through the village. The embankments rise up to approximately 6m above ground level.

To the south, the Westoning Road runs broadly east to west between Harlington and Westoning. The southern side of the road is characterised by a line of detached residential properties that line the corridor to the west of the railway bridge.

An existing property lies immediately to the south west of the site, between the existing building on site and the road corridor. The property comprises a bungalow set within mature landscaped garden, which results in the building being predominantly screened from the streetscene.

To the west the boundary is defined by a native hedgerow with a number of hedgerow trees. This separates the site from an area of allotments that extend north east from Westoning Road almost up to the railway corridor.

The site is located within a gently undulating landscape.

### **The Application:**

Full planning permission is sought for the redevelopment of the site to provide 10 residential units, with associated landscaping, car parking and drainage.

The application has been supported by a full suite of documents including:

- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Drainage Strategy
- Ecological Appraisal
- Arboricultural Assessment.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (NPPF) (March 2012)**

#### **Core Strategy and Development Management Policies - North 2009**

CS1 Development Strategy  
CS2 Developer Contributions  
CS3 Healthy and Sustainable Communities  
CS4 Linking Communities - Accessibility and Transport  
CS5 Providing Homes  
CS6 Delivery and Timing of Housing Provision  
CS7 Affordable Housing  
CS13 Climate Change  
CS14 Heritage  
CS16 Landscape and Woodland  
CS17 Green Infrastructure  
CS18 Biodiversity and Geological Conservation

DM1 Renewable Energy  
DM2 Sustainable Construction of New Buildings

DM3 High Quality Development  
DM4 Development Within and Beyond Settlement Envelopes  
DM9 Providing a Range of Transport  
DM10 Housing Mix  
DM13 Heritage in Development  
DM14 Landscape and Woodland  
DM15 Biodiversity  
DM16 Green Infrastructure  
DM17 Accessible Green Spaces

## Local Plan

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

## Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

## Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	CB/16/05618/PAPC
<b>Validated:</b>	08/12/2016	<b>Type:</b>	Pre-Application - Charging Fee
<b>Status:</b>	Decided	<b>Date:</b>	01/02/2017
<b>Summary:</b>		<b>Decision:</b>	Pre-App Charging Fee Advice Released
<b>Description:</b>	Pre-Application Advice re: Erection of ten dwellings and associated car parking, landscaping and infrastructure		
<b>Application:</b>	Planning	<b>Number:</b>	MB/01/01277/FULL
<b>Validated:</b>	24/08/2001	<b>Type:</b>	Full Application
<b>Status:</b>	Decided	<b>Date:</b>	27/09/2001
<b>Summary:</b>	Full Conditional Approval	<b>Decision:</b>	Full Application - Granted
<b>Description:</b>	FULL: CREATION OF VEHICULAR ACCESS		
<b>Application:</b>	Planning	<b>Number:</b>	MB/01/00605/FULL
<b>Validated:</b>	18/04/2001	<b>Type:</b>	Full Application
<b>Status:</b>	Decided	<b>Date:</b>	06/06/2001
<b>Summary:</b>		<b>Decision:</b>	Full Application - Granted
<b>Description:</b>	FULL: ERECTION OF ALUMINIUM GLASSHOUSE		
<b>Application:</b>	Planning	<b>Number:</b>	MB/97/00722/FULL
<b>Validated:</b>	27/05/1997	<b>Type:</b>	Full Application
<b>Status:</b>	Decided	<b>Date:</b>	22/07/1997
<b>Summary:</b>		<b>Decision:</b>	Full Application - Granted
<b>Description:</b>	FULL: CHANGE OF USE OF LAND FOR WINTER STORAGE OF UP TO SIX CARAVANS (RETROSPECTIVE)		
<b>Application:</b>	Planning	<b>Number:</b>	MB/97/00498/FULL
<b>Validated:</b>	14/04/1997	<b>Type:</b>	Full Application
<b>Status:</b>	Decided	<b>Date:</b>	12/08/1997

<b>Summary:</b>		<b>Decision:</b>	Full Application - Refused
<b>Description:</b>	FULL: VARIATION OF CONDITION NO.2 ATTACHED TO PLANNING PERMISSION MB/75/1586/D DATED 17/6/80 RE: AGRICULTURAL OCCUPANCY.		
<b>Application:</b>	Planning	<b>Number:</b>	MB/94/00643/LDC
<b>Validated:</b>	16/05/1994	<b>Type:</b>	Lawful Development Cert - Existing
<b>Status:</b>	Decided	<b>Date:</b>	09/09/1994
<b>Summary:</b>		<b>Decision:</b>	Lawful Dev - Existing - Granted
<b>Description:</b>	CERTIFICATE FOR LAWFUL DEVELOPMENT: USE OF LAND AND BUILDINGS AS A GARDEN CENTRE AND NURSERY SELLING PLANTS, SHRUBS, TREES, GARDEN FURNITURE, ORNAMENTS AND ACCESSORIES, TOOLS, SHEDS, PAVING AND ROCKERY STONE, SAND, BALLAST, COMPOST, PEAT, FISH AND POND PLANTS.		
<b>Application:</b>	Planning	<b>Number:</b>	MB/93/00580/LDC
<b>Validated:</b>	10/05/1993	<b>Type:</b>	Lawful Development Cert - Existing
<b>Status:</b>	Withdrawn	<b>Date:</b>	09/09/1993
<b>Summary:</b>		<b>Decision:</b>	Application Withdrawn
<b>Description:</b>	LAWFUL DEVELOPMENT CERTIFICATE: USE OF LAND AND BUILDINGS AS A GARDEN CENTRE (INCORPORATING OPEN AND COVERED GROWING BEDS, GLASSHOUSES, CAR PARK AND RETAIL SALES AREAS.		

## Consultees:

Parish Council

### Objection

- There is not an hourly bus service or 4 different bus services to Harlington as stated, there is the no 42 (Toddington to Bedford) where only 2 buses come through the village and the No 78 (Shefford to Luton). There is no bus service suitable for work or school related travel.
- Flooding is an issue under the railway bridge as Network Rail will not sort the culvert.
- Drainage will be an issue as the land on the site is 150 ft thick Oxford Clay; any excess water will flow out onto the road adding to the other flooding issues. The current parking on the site is permeable not hardstanding as claimed, but this will obviously disappear with the new build.
- The Environment Agency has previously confirmed that the ditch belongs to the current owner of the site. Concern is expressed as to how this will be managed if it is in the ownership of multiple land owners; this is a technical issue which needs to be covered.
- The tele mast will become even more visible if the leylandii hedge is removed. Access to the mast is included in the proposals and this access will need to remain.
- The land is outside of the Settlement Envelope and within the Green Belt. The type of buildings and the inclusion of sheds and other impermanent structures to the rear of the main building and within the Green Belt, raises the question as to whether this is/only part

of it is a brownfield site.

- High sensitivity of footpath FP1 which joins the John Bunyan Trail to the north east of the site. Built form does not characterise this countryside area as claimed there is a countryside approach to the village along this road and to the rear of the site, with allotments adjacent to the site and cemetery beyond it.
- Originally the building was a nursery and a Certificate of Lawful Development enabled the current building.
- This site could have been classed as an Exception Site which could have met the needs of the village and be purely for residents ie never sold off. However, when HPC looked into this previously, it was told that 12 houses were needed but that there were no sites available. This application cannot become one for an Exception Site and thus remains market housing.
- Developer claims that the site represented limited infill in the Green Belt NPPF para 89. However this site is not within the Settlement Envelope and there is only a single detached bungalow to the north east of the site which is hidden from view. This form of backfill development is out of character to the existing houses at the entrance to the village, which consisted of a linear development of detached houses set on large sites to the opposite side of the road.
- There will be no provision for affordable houses and these cannot be requested as the site is for 10 houses and involves less than 1000 sq m internal floor space. It is felt that 3 bedroom homes will be unlikely to be affordable to local first time buyers. The provision is not compatible with the type of houses that would meet the needs of Harlington residents this would require smaller houses and bungalows on an Exception Site.
- A total of over 70 houses have either been built or are already planned for the village in recently years and this includes affordable housing, 1 and 2 bed homes, bungalows and detached houses. Therefore there is no identified need for market housing in Harlington.
- With the reduction/removal of trees and hedging on the site giving views of 2 storey buildings, the site cannot be classed as enhancing the openness of the Green belt in comparison to that which is already there, as claimed
- 24 parking spaces for 10 x 3 bed houses is considered inadequate.
- Concern is expressed about the speed of traffic entering the village just before the site entrance; children will be required to cross the road to access school or play areas in the village as no footpath

outside the site.

- The design is not considered high quality as it is cramped, lacking in parking and no variation in size and design. There is also no play facility within the development so there is a long way for families to go to reach the existing play area in the village, with several main roads to cross.
- There is an option on the land behind the proposed site which could mean access being created to more housing to the rear of this development.
- The GP surgery is only open for half a day and waiting list for appointments and there are also concerns regarding intake at the school.
- Central Beds Council has a 5.76 year land supply (April 2017) including a 5% buffer so there is no reason to permit market housing on Green Belt land outside of the Settlement Boundary of Harlington.

Highways  
Public Protection

No objection subject to conditions.

No objection subject to conditions in relation to noise (railway) and land contamination

Housing Development  
Officer

On 13th May 2016 the government won a legal challenge against a High Court ruling that quashed a national planning policy intended to exempt small sites from affordable housing obligations. This ruling has been reflected in the National Planning Practice Guidance setting out the Government's position that affordable housing and tariff-style planning obligations should not be sought for certain small developments (10 dwellings or less or 1,000 square metres of gross floor space). This is a material consideration to be taken into account in decision-making on planning applications. The weight given to this material consideration will need to be considered on a case-by-case basis and in relation to the weight of the existing Development Plan policies, which remain the starting point for consideration in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

In light of this, we would not seek affordable housing on this site.

Waste Services

No objection subject to condition

Tree and Landscape  
Officer

No objection subject to condition

Network Rail

No objection in principle subject to conditions

Managing the needs of  
older people

Older people should be considered as part of the proposal

SuDs Officer

Revised Drainage Strategy received - awaiting further comments - will be updated on the late sheet

Ecology

No objection subject to condition in relation to ecological enhancement scheme

Bedfordshire Fire and  
Rescue Services

No objection - requirement for fire hydrant provision on site

IDB  
Anglian Water

No comment to make  
No comments received

### **Other Representations:**

#### **Neighbours**

4 letters of representation have been received. 2 of which constitute objections, 1 comment and 1 support.

Objections (111 Westoning Road x2):

- drainage problems due to the thick clay layer in soil structure - problem intensified with increased surface run off
- Are there TPO trees on site?
- Concern in developing site in such close proximity to pylons and fast/ busy railway line
- inadequate pavement for pedestrians
- the exit on to Westoning Road is at a narrow pinch-point by the bridge and traffic often moves fast along that stretch
- the fact that schoolchildren will be crossing at the above point is a cause for concern
- proposed development would overlook the allotments next door and impinge on the privacy and tranquility enjoyed by allotment tenants
- high speed train limit on the adjacent railway line - create noise pollution for such nearby development. The event of a derailment would also be catastrophic if such a development went ahead.

Comment (95 Westoning Road):

- safety of pedestrians and vehicle users in the area - measures would need to be taken to reduce the speed of traffic as vehicles are constantly driving in excess of the speed limit.

Support (101 Westoning Road):

- Concern over entrance close to the bridge, these are family homes and children will be crossing the road at a very dangerous spot. Have any thoughts been given to crossing or some other method of safety.

### **Determining Issues:**

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. Layout
4. Neighbouring Amenity
5. Highway Considerations
6. Other Considerations

### **Considerations**

#### **1. Principle**

- 1.1 The application site is within the South Bedfordshire Green Belt where new

residential development is considered inappropriate in accordance with paragraph 89 of the NPPF. One exception to this which is detailed in the same paragraph is *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'*

- 1.2 The NPPF defines Previously Developed Land as *'land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed) and any associated surface infrastructure...'* The building on the site is not for agricultural or forestry buildings and the buildings are still in existence and not blended into the landscape. It is therefore considered that the application would meet the definition of Previously Developed Land(PDL).
- 1.3 Therefore, in accordance with the guidance in the NPPF, the next consideration would be whether the proposed redevelopment would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 1.4 To assess this impact the application looks at this element in a variety of ways. They consider appearance, footprint/floorspace and visual impact and the purpose for including the land in the Green Belt.
- 1.5 Appearance  
The development would result in the removal of the large main central building on the site. The existing building can be seen from views outside of the site and in addition the large area of hardstanding and gravel. There are also a number of outbuildings and other structures which can be viewed from more limited points and predominantly within the site.
- 1.6 The proposal would result in the removal of these and the replacement with 10 dwellings across the site. The built form would therefore be spread across the site and would open up views within the site to the surrounding area. The existing vegetation and proposed landscaping would enhance the appearance and enable wider views to be considered.
- 1.7 Footprint/ volume  
The total existing footprint of built form on the site is some 1183sqm, with the same floorspace. The proposed development would have a total footprint of some 488sqm and a floorspace of some 977sqm. In both aspects this would result in an overall reduction. In terms of footprint of built development on the site, there would be a reduction of 59% and in terms of floorspace there would be a reduction of some 17%.
- 1.8 The proposed development would result in 2 storey dwellings on the site, at present much of the development on the site is single storey in nature. The existing main central building is some 4 metres in height which would generally be larger than a typical single storey development. The existing volume of the buildings on the site would be some 3525 cubic metres, with the proposed dwellings resulting in a volume of some 3160 cubic metres. This would result in a 10% reduction in overall volume of built form on the site.



1.9 Visual Impact

A landscape visual impact assessment was submitted in support of the application. This highlights that there are limited views into the site from public points to the north and west of the site.

- 1.10 The main view of the site would be that from Westoning Road, through the site entrance. There would currently be no views through the site with the view being dominated by the large main building in the centre of the site. Limited views from the allotments/ cemetery would be seen in the context of the railway and the embankment in front.

- 1.11 The increase in height would be from typical single/one and half storey development to two storey development spread out through the site rather than in one central location.

1.12 Purpose of including land within the Green Belt

The five purposes of including land within the Green Belt are:

- to check unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- to assist in urban regeneration, by encouraging the recycling of derelict and urban land

- 1.13 The site is a previously developed land that is itself fairly restricted in terms of boundaries with the railway line, Westoning Road and the allotments/ cemetery. It is considered that the proposed development would not lead to unrestricted sprawl.

- 1.14 Given the design and layout of the proposal and the brownfield nature of the site, it is not considered that it would result in the gap between Westoning and Harlington being significantly reduced.

- 1.15 As the site is a brownfield site, it would not result in the loss of open countryside. The proposed development would result in the redevelopment of an existing brownfield site rather than the need for further greenfield sites to come forward. In addition, it would preserve and in some views enhance the setting and character of Harlington.

1.16 Conclusion

From the above assessment it can be seen that in terms of the provisions set out in the NPPF, the proposed redevelopment would be acceptable. In accordance with paragraph 89 the proposed development would constitute the redevelopment of previously developed land and it is not considered that it would have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

- 1.17 There is no guidance within the Core Strategy and Development Management Policies for Central Bedfordshire (North) in terms of development in the Green Belt because this was previously contained within national policy, therefore

the reliance is on national policy. Therefore, it is considered that the principle of the redevelopment would be acceptable.

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

- 2.1 The proposed development would be visible in some views from Westoning Road, particularly close the entrance. At present, these views are predominantly of the existing central building. The proposed views would be of the green edge adjacent to the access, the views through the access road and towards the fields to the rear.
- 2.2 The design and layout of the proposal is such that there would be views of the buildings from the road but that these would not be detrimental. The proposed dwellings are of modest 3 bedroom design with on plot parking.
- 2.3 It is therefore considered that the proposal would not have a detrimental impact on the character and appearance of the surrounding area.
- 2.4 The proposed development proposes a number of measures in terms of landscaping within the site. On the north and west boundaries of the site it is proposed to manage and reinforce the existing boundary treatment with the removal of the existing leylandii hedge that defines the northern most part of the site and the replacement with a native hedgerow with scattered hedgerow trees. This would create a more characteristic and appropriate edge to the development than the existing leylandii. Boundary treatment will include native hedgerow planting to soften the boundaries across the site.
- 2.5 The layout includes areas of incidental open spaces and opportunities for feature planting. In addition there will be an open landscaped area including SUDs features adjacent to the access.
- 2.6 It is considered that the proposed measures will ensure appropriate planting/ landscaping across the site and reinforce the boundaries. The detailed landscape elements can be dealt with by condition.

## **3. Layout**

- 3.1 The proposed development would in a density of approximately 26 dwellings per hectare. The layout respects the standards set out in the Design Guide for Central Bedfordshire in terms of amenity space, privacy and parking.
- 3.2 It is therefore considered that the proposed layout would be acceptable and would protect the amenity for both existing neighbouring residential properties and future occupiers and would be in conformity with Policy DM3 of the Core Strategy and Development Management for Central Bedfordshire (North).

## **4. Neighbouring Amenity**

- 4.1 The closest neighbouring property would be the bungalow to the west of the boundary which is accessed from Westoning Road. This property is currently well screened.
- 4.2 The proposed development would result in plot 1 being adjacent to the dwelling

and the rear/side gardens of plots 2, 6 and 7 bounding the rear garden of the existing dwelling. The separation distance from the rear of the existing dwelling to the rear of the proposed plots would be some 21m. This is considered an acceptable separation distance and would ensure a suitable level of privacy is achieved for both existing and future occupiers.

- 4.3 The properties on the southern side of Westoning Road, would have views over the site from first floor level windows, however, given the separation distance and the layout it would not result in any loss of amenity for either existing or future occupiers. The proposed development would not result in a detrimental impact on the residential amenities of existing properties and would achieve a suitable level of amenity for future occupiers. It is therefore considered that the proposal would be in conformity with Policy DM3 of the Core Strategy and Development Management Policies for Central Bedfordshire (North).

## **5. Highway Considerations**

- 5.1 The Highways Officer has raised no objection to the application subject to conditions in relation to visibility splays, surfacing and construction management. Amendments were sought in relation to the proposed footway and layout, these amendments have been undertaken and the Highways Officer is now content with the proposed development.
- 5.2 It is acknowledged that concern has been raised regarding the crossing of the road. The proposed footpath has been amended to take on board comments raised by the Highways Officer and is now considered acceptable. It is therefore considered that the proposal would not have a detrimental impact on the highway network nor highway safety.

## **6. Other Considerations**

### **6.1 Railway Noise**

The application was supported by a Noise Assessment which considered the noise from the railway in particular. Public Protection have raised no objection subject to a condition relating to noise from the railway. The condition would ensure that a suitable level of noise amenity can be achieved for future occupiers.

Network Rail raised concern regarding land ownership. The agent has confirmed that the applicant has an option over the entire site and that they have served the appropriate certificate on the owner of the land. I have advised the agent to contact Network Rail to discuss further.

### **6.2 Flood Risk/ Drainage**

The application was supported by a drainage strategy for the site. The SuDs engineer raised concerns regarding the information submitted and requested further details. Further details have been submitted and the SuDs Engineer has been reconsulted. The comments on the revised information will be reported on the late sheet.

### **6.3 Human Rights issues:**

The application has been assessed in terms of human rights implications and it raises no issues.

6.4 Equality Act 2010:

The application has been assessed in terms of equality and it is considered that no issues are raised.

**Recommendation:**

That Planning Permission be approved subject to the following:

**RECOMMENDED CONDITIONS / REASONS**

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

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

- 2 No development shall take place on the external walls, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.  
(Section 7, NPPF)

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

**Reason: This is a pre-commencement condition to ensure an acceptable standard of landscaping and the safety, operational needs and integrity of the railway.  
(Sections 7 & 11, NPPF)**

- 4 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality and ensure the safety, operational needs

and integrity of the railway.  
(Section 7, NPPF)

- 5 **Both prior to demolition and throughout the course of the development, all tree protection and supervised excavation methodology shall be carried out in strict accordance with Appendix C "Tree Protection Plan (Ref: 9491 TPP 01), Appendix E "Supervised Excavation Methodology", and Appendix F "Tree Protection Barrier Specification", which form part of the Arboricultural Impact Assessment dated April 2017 (Ref: 9491\_AIA.001), as prepared by Aspect Arboriculture. The tree protection barriers must remain securely in position throughout the entire course of demolition and development.**

**Reason: This is a pre-commencement condition to ensure the successful retention of retained trees, and protect from development activity, so as to secure their health, amenity and screening value. (Policy DM3, CSDM)**

- 6 No building shall be occupied until the junction of the proposed vehicular access with the highway 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.(Policy DM3, CSDM)

- 7 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). (Policy DM3, CSDM)

- 8 The proposed vehicular access for plots 6, 7 and 8 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 minimum 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.(Policy DM3, CSDM)

- 9 Before the premises are occupied all on site vehicular areas shall be

surfaced in a stable and durable materials in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits (Policy DM3, CSDM)

- 10 Before (any of) the access(es) is first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

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). (Policy DM3, CSDM)

- 11 The turning head for vehicles illustrated on the approved Plan (No V17-106-P01 Rev C) shall be constructed before the development is first brought into use.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway. (Policy DM3, CSDM)

- 12 No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, construction worker vehicle parking, wheel wash facilities. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site and the safety, operational needs and integrity of the railway. (Policy DM3, CSDM)

- 13 A scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose. (See Notes to the Applicant)

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport. (Policy DM3, CSDM)

- 14 **No development shall take place until a scheme for protecting the proposed dwellings from noise from the railway has been submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the recommendations identified in the Cass Allen report (Ref: RP01-17258) dated April 2017. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.**

**Reason: This is a pre-commencement condition to protect the amenity of any future occupiers and ensure that the development takes this into account prior to construction of the dwellings and the operational needs and integrity of the railway. (Policy DM3, CSDM)**

- 15 **No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:**
- A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination**
  - A Phase 2 Site Investigation (where shown to be necessary in the Phase 1 Desk Study)**
  - A Phase 3 Remediation Scheme (where shown to be necessary by the Phase 2 Site Investigation)**

**All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.**

**Reason: This is a pre-commencement condition to protect human health should the land be contaminated. (Policy DM3,CSDM)**

- 16 **No development shall take place until an ecological enhancement strategy (EES) has been submitted to and approved in writing by the Local Planning Authority. The EES shall include details of integrated bird boxes and wildlife friendly planting scheme. The EES shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.**

**Reason: This is a pre-commencement condition to ensure a net gain in biodiversity and that the measures are taken into account prior to construction works starting on site.**

- 17 **No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants at the development. Prior to the first occupation of the dwelling(s) the fire hydrant(s) serving that development shall be installed as approved. Thereafter the fire hydrant(s) shall be retained as approved in perpetuity.**

**Reason: This is a pre-commencement condition in the interests of fire safety and providing safe and accessible developments. (Section 8, NPPF)**

- 18 Prior to the occupation of any dwelling on the site, a scheme for the provision of waste receptacles for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place.

Reason: In the interest of residential amenity and to reduce waste generation in accordance with the Council's Minerals and Waste Local Plan 2014, Policy WSP5 and the adopted SPD "Managing Waste in New Developments" (2006).

- 19 Prior to the occupation of the buildings hereby approved a scheme for external lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the dwellings and remain in perpetuity.

Reason: To protect the residential amenity of neighbouring properties, highway safety, safety, operational needs and integrity of the railway.  
(Section 7, NPPF)

- 20 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, Planning Statement; Landscape and Visual Impact Assessment; Design and Access Statement; Arboricultural Impact Assessment; Ecological Appraisal; Noise Impact Assessment; Drainage Strategy V17-106-SLP01 Rev A; V17-106-SBP01 Rev A; V17-106-P01 Rev C; V17-106-P02 Rev C; V17-106-P03 Rev C; V17-106-P04 Rev B; V17-106-P05; V17-106-P06 Rev A; V17-106-P07; JKK9520-1 Rev A

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

- 21 **No development shall take place until details of the method of disposal of foul and surface water drainage have been submitted to and agreed in writing by the Local Planning Authority, including any land drainage system. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been implemented.**

**Reason: This is a pre-commencement condition to ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.**  
(Section 10, NPPF)

## **INFORMATIVE NOTES TO APPLICANT**

1. 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.
2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National



3. The applicant is advised that no works associated with the construction 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. Upon receipt of this Notice of Planning Approval, 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 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.
4. /The applicant is advised that in order to comply with this permission it may 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 Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ  
the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction in accordance with the approved plan, before the development is brought into use.
5. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".
6. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ

7.

**FAO – Lisa Newlands**

**Ref – CB/17/01911/FULL**

**Proposal – Redevelopment of the site to provide 10no residential dwellings**

**Location – Chiltern Aquatics Centre, Westoning Road, Harlington, LU5 6PA**

comment on the abovementioned application.

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of an electrified railway.

#### **Land in Network Rail Ownership**

The boundary of the development as proposed appears to be partly located on an area of land in the ownership of Network Rail. The attached plan shows the land in Network Rail's ownership (shaded in green). The applicant should contact Network Rail's Land Information Team ([landinformation@networkrail.co.uk](mailto:landinformation@networkrail.co.uk)) as a matter of urgency to discuss the matter. It may be necessary for the applicant to resubmit the plans showing the proposed boundary on the correct alignment. This may also require the alteration of the Certificate B section of the application form as necessary.

#### **Drainage**

We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be **below** existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be **above** existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

#### **Wayleaves and or easements for underline drainage assets**

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

#### **Protection of existing railway drainage assets within a clearance area**

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent. There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Matthew Shelton ([matthew.shelton@networkrail.co.uk](mailto:matthew.shelton@networkrail.co.uk)) for further information and assistance.

### **Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

### **Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

### **Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

### **Fencing**

Although the existing NR fence is adequate in preventing trespass there will inevitably be pressure from the new residents to soften or even attempt to alter its appearance. It should be noted that our fence should not be altered or moved in any way and nothing should be put in place to prevent us from maintaining our boundary fence as we are obliged to do so in law. It is our experience that most developments seek to provide their own boundary enclosure so as to avoid such future problems. It would also help to reduce the impact of railway noise. We would advise that the developer should provide a trespass proof fence adjacent to Network Rail's boundary (minimum 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

### **Method Statements/Fail Safe/Possessions**

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.**

### **OPE**

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

### **Vibro-impact Machinery**

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

### **Bridge Strikes**

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem, particularly if large construction vehicles may access the site via the Westoning Road railway bridge which has a 16ft (4.88m) height restriction. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

### **ENCROACHMENT**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

### **Noise/Soundproofing**

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

### **Trees/Shrubs/Landscaping**

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

#### **Acceptable:**

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

#### **Not Acceptable:**

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia

platyphyllos), Common line (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

### **Lighting**

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

### **Access to Railway**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular the **drainage, boundary fencing, method statements/OPE, soundproofing, lighting and landscaping** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.

The method statement will need to be agreed with:

**Asset Protection Project Manager**  
**Network Rail (London North Eastern)**  
**Floor 3B**  
**George Stephenson House**  
**Toft Green**  
**York**  
**YO1 6JT**

**Email:** [assetprotectionlneem@networkrail.co.uk](mailto:assetprotectionlneem@networkrail.co.uk)

Kind regards,

**Matt Leighton**  
Town Planning Technician | Property  
Network Rail  
George Stephenson House | Toft Green | York | YO1 6JT  
E [matt.leighton@networkrail.co.uk](mailto:matt.leighton@networkrail.co.uk)  
[www.networkrail.co.uk/property](http://www.networkrail.co.uk/property)

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

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