

Item No. 7

APPLICATION NUMBER	CB/18/00196/OUT
LOCATION	Land rear and side of Hampden House, Hitchin Road, Arlesey, SG15 6RS
PROPOSAL	Outline Application - A residential development of up to 58 dwellings including all ancillary works on land to the rear and side of Hampden House, Hitchin Road, Arlesey with all matters reserved except access following the demolition of the existing buildings on the site.
PARISH	Arlesey
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Debbie Willcox
DATE REGISTERED	16 January 2018
EXPIRY DATE	17 April 2018
APPLICANT	GPS Estates Ltd.
AGENT	Woods Hardwick
REASON FOR COMMITTEE TO DETERMINE	The application is a major development with a Town Council objection. The application is a departure from the Development Plan.
RECOMMENDED DECISION	Outline Application - Recommended for Approval

Reason for Recommendation:

The proposal would involve the loss of employment land on an allocated Safeguarded Key Employment Site, contrary to Policy CS10 of the Core Strategy and Development Management Policies (North). However, the site is identified in Appendix 4 of the emerging Local Plan as an existing employment site which should be considered favourably for alternative (non-employment) uses, as identified in the Employment Land Review (2016). A viability report has also been submitted which identifies that the vacant units cannot legally be let and it would be unviable to refurbish or redevelop the site for employment generating uses. The proposal would provide housing on a brownfield, windfall site in a sustainable location. The impact of the proposal on the character and appearance of the area is considered to be positive and the proposal is considered to be acceptable in terms of highway safety and neighbouring amenity. Having regard to the policies contained within the NPPF, it is considered that material planning considerations exist which outweigh the conflict with Policy CS10 of the Core Strategy and Development Management Policies (North) and therefore the proposal is considered to be acceptable

Site Location:

The application site comprises a 1.3 hectare employment site located to the immediate south and west of Hampden House, on the west side of Hitchin Road in Arlesey. Hampden House is a six storey former office block which has recently received prior approval (CB/18/01053/PADO) for conversion to 41 residential apartments.

To the north of the site is the residential development of Howberry Green, which includes Council owned open space and a children's play area immediately adjacent to the application site. On the boundary between the site and Howberry Green is a line of trees protected under a Tree Preservation Order.

To the west of the site is the railway line, beyond which is Arlesey Business Park. To the south of the site is a ready mix concrete supplier, Cemex. On the other side of Hitchin Road are residential properties.

The site is located within the settlement envelope of Arlesey, a designated Minor Service Centre. Including Hampden House, the site is designated as a Safeguarded Key Employment Site in the Core strategy and Development Management Policies Document (2009). It is also identified as an Employment Site in the emerging Central Bedfordshire Local Plan.

The site is broadly flat and comprises of a large concrete yard, seven industrial units and a single storey detached funeral director.

The Application:

The application seeks outline planning permission with all matters reserved, except for access, for the residential development of the site for up to 58 dwellings, with associated roads, parking, gardens and landscaping.

An indicative plan has been submitted demonstrating how the site could accommodate 58 dwellings. The existing access from Hitchin Road is shown as being retained, with amendments to its geometry. The indicative plan shows a footpath link being provided through the protected tree belt to Howberry Green.

The indicative site layout plans show a scheme with a gross development density of 44 dwellings per hectare. Development is shown as a mixture of two and two and a half storey detached, semi-detached and terraced houses with private gardens in the central section of the site, with a three storey block of flats on the Hitchin Road frontage. A long, narrow block of three and three and a half storey flats is proposed close to the western boundary of the site, separated from the boundary by an area of car parking.

The scheme has been revised during the course of the application from an initial proposal for 72 dwellings, to the current proposal for 58 dwellings.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (July 2018)

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 6: Building a strong, competitive economy
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate/coastal change, flooding
Section 15: Conserving and enhancing the natural environment

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy
CS2 Developer Contributions
CS3 Healthy & Sustainable Communities
CS4 Linking Communities - Accessibility & Transport
CS5 Providing Homes
CS7 Affordable Housing
CS10 Location of Employment Sites
CS13 Climate Change
CS14 High Quality Development
CS17 Green Infrastructure
DM3 High Quality Development
DM9 Providing a Range of Transport
DM10 Housing Mix
DM14 Landscape & Woodland
DM15 Biodiversity
DM16 Green Infrastructure

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

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

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

- LP SP2: NPPF - Presumption in Favour of Sustainable Development
- LP H1: Housing Mix
- LP H2: Housing Standards
- LP H4: Affordable Housing
- LP EMP2: Change of Use to Non-Employment Generating Uses
- LP T1: Mitigation of Transport Impacts on the Network
- LP T2: Highway Safety and Design
- LP T3: Parking
- LP EE2: Enhancing biodiversity
- LP CC1: Climate Change and Sustainability
- LP CC3: Flood Risk Management
- LP CC5: Sustainable Drainage
- LP CC8: Pollution and Land Instability
- LP HQ1: High Quality Development
- LP HQ2: Provision for Social and Community Infrastructure Levy

Arlesey Neighbourhood Plan 2016-2031

- ARL2: Design of Residential Development
- ARL3: Housing Mix
- ARL4: Provision for Cycling and Walking
- ARL5: Improvements to Traffic Pinchpoints
- ARL9: Public Open Space
- ARL10: Flood Risk Management
- ARL14: High Speed Broadband

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Site

Application Number	CB/17/03725/PAPC
Description	Pre Application Advice: Erection of 47 No. residential units
Decision	Pre-application advice released
Decision Date	25/09/2017

Hampden House

Application Number	CB/17/02134/PADO
Description	Prior Notification of Change of Use of office to 39 dwellings
Decision	Prior Approval Granted

Decision Date 22/06/2017

Application Number CB/18/01053/PADO
Description Prior notification of change of use from Office building (B1) to 41 Dwellinghouses (C3).

Decision Prior Approval Granted
Decision Date 10/05/2018

Consultees:

Arlesey Town Council (Response to Initial Scheme) Arlesey Town Council considered this application at its meeting held on 20th February 2018 and resolved to **OBJECT** on the following grounds:

- 1) The proposal will result in an over-development of the site which will not be supported by the current lack of amenities and infrastructure in the surrounding area.
- 2) The proposed access/egress to Hitchin Road is dangerous. The number of proposed dwellings, combined with 39 residential flats proposed under approved application CB/17/02134/PADO, will result in a hazardous increase in traffic, ultimately exacerbating existing traffic issues in this area and presenting a safety risk to vehicles and pedestrians.
- 3) Further loss of employment land which the Town Council is seeking to maintain. Plans for the inclusion of employment land under the approved Arlesey Cross Masterplan (Site Allocations Policy MA8) have since been withdrawn. Coupled with this proposal, local employment opportunities will suffer leading to a detrimental impact on sustainability.

Arlesey Town Council (Response to Amended Scheme) Arlesey Town Council considered the proposed amendments to this application at its meeting held on 19th June 2018 and resolved to **OBJECT** on the following grounds:

- 1) the Town Council's objections to the original application for 72 dwellings (as contained detailed within our email dated

22nd February 2018) have not been satisfied by the proposed reduction of dwellings in the amended plans. These objections were as follows:

- The proposal will result in an over-development of the site which will not be supported by the current lack of amenities and infrastructure in the surrounding area.
- The proposed access/egress to Hitchin Road is dangerous. The number of proposed dwellings, combined with 39 residential flats proposed under approved application, will result in a hazardous increase in traffic, ultimately exacerbating existing traffic issues in this area and presenting a safety risk to vehicles and pedestrians.
- Further loss of employment land which the Town Council is seeking to maintain. Plans for the inclusion of employment land under the approved Arlesey Cross Masterplan (Site Allocations Policy MA8) have since been withdrawn. Coupled with this proposal, local employment opportunities will suffer leading to a detrimental impact on sustainability.

2) the 'Viability Report' is not available for inspection within documentation provided

3) a mixed residential/employment development would be favoured terms of sustainability and benefits to the community

Should the application be considered by the DMC I would be grateful if you would advise of the date/time of the meeting to enable our representative to attend.

Highways Officer (Final Response)

The proposed access would be via a re-modelled T junction with visibility splays of 2.4m x 43m. There are no recorded accidents in the vicinity of the development

access, the nearest recorded accident was over 400m to the north and 600m to the south.

The TS is for the most part acceptable but the number of trips would appear to be low at 3.5 trips per dwelling compared to 4.5 per dwelling; the am peak would see 23 cars leaving the development but following checks on the TRICS database it is felt that this would be more in the order of 26 cars leaving the development, a slight rise but certainly not significant. This is however considered acceptable when there would be a loss of large commercial traffic which the existing site does have consent for. This includes a small element of B1, some Sui Generis along with B2 commercial use. Again, TRICS has been used to make an assessment of what the site could generate and although the choice in similar sites in terms of size, location is very small. It should be noted that there will be a distribution in terms of north and southbound traffic.

The result is that the level of cars trips would be slightly higher with some 23 departures in the am peak compared to some 4 departures that could occur. There would however be more cars entering the site in the am peak, overall two way trip would increase by 4 trips, this is nonetheless acceptable in terms of the NPPF and it must be remembered that large commercial vehicles would be taken off the highway network and therefore considered acceptable.

The other matter is with regards to the application form as the site in the red line is for outline the applicant/agent has served notice on the highway authority which is correct in so far as the public highway but we do not own the entire site. Is this application therefore valid? However, should you be of the opinion that this is a valid application then the supplied conditions are offered.

Inward Investment Team The site is currently designated as a safeguarded employment site by Policy E1 (and Policy CS10) however, no objection is made to this change of use. Below are some key points about the site and the reasons for not objecting.

Background Info:

A viability report was compiled by Kirkby Diamond in June 2018 in relation to this site.

The employment land currently has 8 units in total (7 at the rear and 1 at the side of Hampden House known as the 'Bungalow'- Unit 8, Benedict Funeral Directors Limited).

7 of the units are currently vacant and at the time of KD compiling this report, the tenants at unit 8 were seeking alternative accommodation with a view to moving out.

A Energy Performance Certificate has been issued for all the units and according to the report these units cannot be lawfully be let unless improvements are made, which has been costed to be substantial.

Unit 8, will have to be demolished in order to provide access to the site, once Hampden House is in occupation by the residential units currently being constructed.

Hampden House was originally a B1 employment land but under Permitted Development Rights change of use to residential was carried out without planning permission.

With new flats being provided in close proximity to this employment land, it may potentially cause noise nuisance and traffic congestion as access to both Hampden House and the current employment land is only via the main road (Hitchin Road). But this maybe a view that needs to be supported by the noise pollution and the highways team.

Whilst it is understood this will be a loss of employment land, the demand for industrial units in Arlesey is limited according to level of enquiries the team have been receiving.

Taking into account the implications of having industrial units next to a residential area and the lack of demand for industrial units in Arlesey, there is no objection to this change of use.

Local Plan Team

This site has been included within the Local Plan under appendix 4: 'Existing Employment sites and land that should be considered favourably for alternative (non-employment) uses. The site under consideration was

identified for alternative uses as part of the Employment Land Review, 2016 which accompanies the Local Plan.

The site was also submitted to us through our Regulation 18 consultation in August 2017 for residential use, it was not allocated within the Local Plan as one of our small-medium residential sites on the grounds that it was a current employment site and that they should follow the planning application route under Policy EMP2: Change of use to Non-Employment Generating Uses included within the Local Plan.

Therefore we do not object to this planning application.

Environment Agency (Final Response)	No objection.
Internal Drainage Board	No comments.
Flood Risk Management Team	We are pleased to see that the proposal is to control surface water run off for up to and including the 1 in 100 year event + a 40% allowance for climate change. Some concerns exist, however, these can be addressed by the supplied conditions.
Pollution Team (Final Response)	<p>A revised Auracle Acoustics noise assessment dated 23 August 2018 has been submitted which includes additional information relating to noise from evening / night time cement deliveries to the Cemex site, including information relating to the impact of the 500 hz tone during cement deliveries and appropriate window specifications to mitigate the impact of the tone. It also relates to a revised site layout plan, 18021-1002B - sketch layout- 58 units.</p> <p>The proposed mitigation scheme now includes a 2.4m high acoustic barrier to the western boundary in addition to a barrier block close to the boundary with car parking to the west of the barrier block. It is proposed that all western elevations of the barrier block will not have opening windows to noise sensitive rooms. (living rooms, dining rooms, bedrooms)</p> <p>The scheme has also added a 2.0 m acoustic barrier to the southern boundary and it is proposed that the properties along this boundary will have no bedroom windows in the</p>

facades with line of sight to the cement pumps at the Cemex site.

Having considered the revised acoustic assessment and the updated noise scheme proposals I am now satisfied that the proposed development could achieve satisfactory noise levels if the principles of the updated sketch layout and the use of noise barriers, protected facades, acoustic glazing and ventilation are fully implemented at the final design stage. I would therefore like to withdraw my objection to the proposed development subject to the supplied condition being attached to any approval;

Network Rail

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but supplied are some requirements which must be met, especially with the close proximity to the development of an electrified railway. It is recognised that much of the detail here is more appropriate for the reserved matters stage but is nevertheless mentioned here as a reminder of the issues that will need to be taken into consideration.

Anglian Water

No objection.

Housing Development Officer (Amended Scheme)

Support the application as it provides for 20 affordable homes which reflects the current affordable housing policy requirement of 35%. The supporting documentation does not indicate the tenure split of the affordable units. The Strategic Housing Market Assessment (SHMA) has identified a tenure requirement from qualifying affordable housing sites as being 73% affordable rent and 27% intermediate tenure. This makes a requirement of 15 units of affordable rent and 5 units of intermediate tenure (shared ownership) from the development.

Ecologist

No objection to development, but disappointed not to see a commitment to a net gain in biodiversity as required by the emerging Local Plan. A wider landscape buffer is required along the railway line. A condition is requested for an Ecological Enhancement Strategy.

Landscape Officer (Final Response)

There are still concerns regarding the narrow width of landscaping within the railway corridor, a feature of importance for ecology as well as landscape integration. It is accepted that the area for landscape has increased by 2.5m, which is an improvement.

There is a concern regarding the extent of car parking, which will create a very hard surfaced environment. The bays beside the railway line are proposed to be grouped with a narrow planted strip between. These narrow strips are very difficult to plant and manage, as the growing conditions are to dry and there is not sufficient space. It is suggested that the planting strips are "doubled up " between bays of 8 cars, which would allow scope for a row of trees to be planted. Ideally, a reduction in the number of bays would allow more space for mitigation.

To help counter the surfacing and scale of elevations, it is recommended that full use is made of climbing plants and wall shrubs. This may require the use of trellis. A range of climbers would add seasonal change and also soften the appearance of the buildings.

A plan for long term maintenance for the strategic planting will be required and a full planting specification by Condition.

Trees & Landscape Officer (Final Response)	The revised details found in the Arboricultural Impact Assessment and Method Statement 3283 Arlesey GPS AIA REV E and the Tree Protection Plan 3283 Arlesey GPS TPP REV E are acceptable and should be used and followed throughout the demolition and construction process in full from initial works to final landscaping.
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Bedfordshire Fire and Rescue Service	Requests a condition requiring the provision of fire hydrants.
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Sustainable Growth Officer	Requests conditions to ensure that the development is in accordance with policies CS13, DM1 and DM2 of the Core Strategy and Development Management Policies (2009)
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Waste Services	A refuse strategy should be included at Reserved Matters stage. Developers have to pay for the supply / delivery of the bins.
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Other Representations:
Residential Neighbours

16 individual responses objecting to the proposal for the following reasons:

- Object to the felling of any protected trees on the boundary between Howberry Green and the

application. The trees are important for privacy, visual amenity and wildlife;

- Object to the footpath link between the site and Howberry Green. This will cause parking problems in Howberry Green and will ruin the quiet environment of Howberry Green with increased noise and footfall;
- The play area is already too busy and allowing access from the new development will result in the play area being overcrowded;
- The access will be used as a shortcut to the High Street;
- The access could lead to anti-social behaviour;
- The access would lead to residents of the new development parking in Howberry Green as there is likely to be insufficient parking provision;
- The development should have its own play area;
- The proposal represents overdevelopment; and would exacerbate parking problems on Hitchin Road;
- There is only one road in and out of Arlesey, which is already congested at peak times, with cars and lorries having to mount kerbs. There is not the capacity for any more traffic;
- The proposal should be developed in a comprehensive development with Hampden House. The state of Hampden House will be very off-putting for future occupiers of the proposed development;
- The traffic and highway implications of the Hampden House development and this development should be considered together;
- The indicative layout plan appears to show insufficient parking;
- The Visibility Splay drawn in 18035ARSL5500 16.01.18 is inappropriate, since there is parking permitted on the East side of Hitchin Road between London Row and the roundabout by the adjacent farm. At busy times of day vehicles including heavy transport and buses approach the entrance to the site from the direction of the High Street on the right hand (wrong) side of the highway restricting visibility from the entrance of the proposed development. Furthermore, CBC Highways have not heeded warning of the danger to traffic emerging from London Row, where the visibility splay is often inadequate due to the vehicles in permitted parking places in Hitchin Road. The proposed development burdens traffic emerging safely from London Row as there will be increased traffic

from the site in addition to that from Hitchin Road (north) and Prince of Wales Close.

- Arlesey doesn't have sufficient infrastructure for any more development;
- The application should be subject to constraints imposed by the Development Plan for the East of Arlesey in respect of traffic flows, present and future;
- The application must be considered in light of the Arlesey Neighbourhood Plan;

Petition signed by 37 residents of Howberry Green objecting to the proposal for the following reasons:

- Tree removal along the boundary of Howberry Green is unacceptable. The trees have a preservation order and the tree boundary is a key feature of the area;
- A fence should be constructed to separate the proposed development from Howberry Green;
- Howberry Green is currently a quiet, residential cul-de-sac with only one way in or out. The proposed access to the new development will be detrimental to security, and our way of life and make us more open to adversity. Allowing access will increase traffic in Howberry Green. We do not want to be connected to the new development.
- The number of units is excessive. The development should be more sympathetic to the surrounding topography.
- Parking for the development appears insufficient for the number of units, which would result in occupiers parking in Howberry Green.
- No access was required from Howberry Green to Lambs Meadow, so why should a precedent be set in this development.
- There would be an adverse impact on biodiversity and nature conservation interests;
- Loss of privacy;
- Negative impact on property values.

Cemex Response

- Raises concerns about the proposal to locate sensitive residential receptors in such close proximity to the Cemex site.
- Explains that the Cemex site is noisy and keeps the gates open during times of peak deliveries for efficiency.

- Sets out the contribution of Cemex to the economy;
- Considers that a likely consequence of the application would be severe curtailment to activities on the Cemex site which may result in the closure of the site.
- Strongly object to the application on this basis.

Determining Issues:

The main considerations of the application are;

1. Principle of Development
2. Impact on the Character and Appearance of the Area
3. Amenity Considerations
4. Highways Considerations
5. Other Considerations

Considerations

1. Principle of Development

- 1.1 The application site is designated as a Safeguarded Key Employment Site in the Core Strategy and Development Management Policies (2009) (CSDMP). This application seeks to redevelop the site for residential use.
- 1.2 The application site, along with the former Hampden House office building is identified in Appendix 4 of the emerging Local Plan as an existing employment site which should be considered favourably for alternative (Non employment) uses, as identified in the Employment Land Review (2016). Policy EMP2 of the emerging Local Plan states positively "Sites identified within Appendix 4 will be considered favourably for alternative, non-employment generating uses". However, for the reasons set out within the Policy section above, at this time the policies within the emerging Local Plan only carry limited weight.
- 1.3 The Employment Land Review identified the site for release from employment generation based on vacancy rates, the isolated location and the poor condition of the buildings on the site.
- 1.4 Policy CS10 of the CSDMP states that the Council will support mixed-use developments on sites that have been identified in the Employment Land Review as being no longer fit for purpose and are in sustainable locations. The CSDMP does not make provision for the release of employment land for non-employment generating uses. As such, the proposal is contrary to the development plan.
- 1.5 However, Paragraph 120 of the NPPF states the following:

"Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and

b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area."

- 1.6 Whilst the emerging Local Plan currently carries only limited weight, it is useful as a direction of travel and it is based on the evidence contained within the Employment Land Review, which identifies that the site should be released from employment generating uses.
- 1.7 It is also considered inappropriate to refuse the application on the grounds of prematurity, and the limited weight that can currently be attributed to the Local Plan. This is in accordance with Paragraph 50 of the NPPF, which states "Refusal of planning permission on grounds of prematurity will seldom be justified."
- 1.8 Furthermore, a viability appraisal accompanied the application, demonstrating that the refurbishment or employment redevelopment of the site would be unviable.
- 1.9 The report identified that all except one of the units on the site is currently vacant. It identified that it would be unlawful to re-let any of the units based on their Energy Performance Certificates. The buildings contain asbestos, and the report identified the costs required to refurbish and alternatively redevelop the site for employment purposes. The report then calculated the likely rate of return for either option and identified that neither option would be financially viable. The report also identified that the ongoing conversion of Hampden House to residential would have a negative impact on the likelihood of securing tenants within a refurbished or redeveloped employment scheme.
- 1.10 The viability report has been appraised by the Council's Inward Investment Team and they have raised no objection to the proposal, noting that their own work has identified a lack of demand within Arlesey for industrial units. It is therefore considered that the employment site is of poor quality, and there is no reasonable prospect of it being refurbished or developed for employment generating use. The weight that should be given to the loss of the employment site is therefore considered to be extremely limited.

- 1.11 Consideration must also be given to the impact of the proposal on the neighbouring employment use, Cemex. They are concerned that the development of the site for residential would give rise to noise complaints which would curtail their business operations. The applicant has carried out extensive noise testing on the advice of the Council's Pollution Team, who are now satisfied that, subject to the imposition of conditions controlling noise mitigation measures on the development, the site could be developed for residential uses without having a harmful impact on the operations at the Cemex site.
- 1.12 The site is a brownfield site, located in a sustainable location within a Minor Service Centre. It is no longer legally possible to let the employment units without significant investment, which has been demonstrated to be unviable.
- 1.13 Section 11 of the NPPF urges Local Planning Authorities to make as much use as possible of previously developed or brownfield land. It states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 1.14 Having regard to the policies within the NPPF, the evidence contained within the Employment Land Review, the viability report which accompanied the application and the identification of the site within Appendix 4 of the emerging Local Plan as being suitable for release for non-employment generating uses, it is considered that the adverse impacts of the proposal in terms of the loss of poor quality employment land would not outweigh the benefits of the scheme, particularly the delivery of homes (including affordable housing) on a suitable brownfield site within a sustainable location within a settlement and the opportunity to remediate a derelict site. It is therefore considered that material planning considerations exist which outweigh the conflict with policy CS10 of the Core Strategy and the scheme is considered to be acceptable in principle.

2. Impact on the Character and Appearance of the Area

- 2.1 The proposal would result in a change in the character of the site from industrial to residential. This would be consistent with surrounding residential development to the north and east and would have an environmental benefit to the residents of the surrounding development.
- 2.2 It is considered that the line of protected trees along the northern boundary of the site make a valuable positive contribution to the character and appearance of the area. These trees are all shown as being retained and protected within the updated Tree Protection Plan which accompanies the application. The retention and protection of the trees in accordance with the Tree Protection Plan is recommended to be controlled by condition.

- 2.3 The application is in outline and is accompanied by an indicative layout plan demonstrating one possible layout which could deliver a development of up to 58 dwellings.
- 2.4 The proposed density is relatively high, with a gross density of 44 dwellings per hectare. The indicative layout plan demonstrates that this can be achieved through a mix of houses and flats, which would be likely to result in a fairly equal mix of smaller and family dwellings. This would be in accordance with policy ARL3 of the Arlesey Neighbourhood Plan, which seeks a housing mix of a minimum of 25% of new properties as one and two bed properties. The high density is in accordance with Section 11 of the NPPF and policy DM3 of the CSDMP, which require planning decisions to make efficient use of land.
- 2.5 Building heights are indicatively shown as varying between two and two and a half storeys for the houses and flat blocks which vary from two to three and a half storeys. Having regard to the context of the site, with two storey housing to the north, the six storey Hampden House to the east and the railway bank to the west, it is considered that these building heights are acceptable, on the proviso that any scheme submitted for reserved matters approval provides building heights of no more than 2 storeys close to the northern boundary of the site, as shown on the indicative layout plan.
- 2.6 The proposal includes a link through the protected tree belt, to CBC owned public open space and a children's play area within Howberry Green to the north of the site. It is noted that the residents of Howberry Green have strongly objected to this element of the scheme. However, good connectivity is seen as one of the fundamental principles of good design, encouraging higher levels of walking and cycling and community cohesion. It is not considered that a refusal of the application could be justified on the basis of the provision of the connection through to Howberry Green. Furthermore, the application would provide a financial contribution towards the upgrade of the play facilities at the open space on Howberry Green and future residents must therefore have easy access to the open space and play area.
- 2.7 The reduction in the maximum number of units on the site has resulted in a more appropriate density and better opportunities to provide landscaping to assist in creating a high quality scheme.
- 2.8 The layout plan is indicative and matters of layout, scale, appearance and landscaping are reserved for later consideration. However, the layout plan demonstrates that it would be possible to deliver a high quality residential development of this quantum on the site.
- 2.9 The application is therefore considered to conform with Sections 11 and 12 of the NPPF, policies CS14 and DM3 of CSDMP, policy HQ1 of the emerging Local Plan and the Central Bedfordshire Design Guide.

3. Amenity Considerations

3.1 Existing Residents

On the basis of the indicative layout plan, it appears that the site is capable of accommodating the number of dwellings proposed; whilst the detailed relationships between proposed dwellings would be a matter for consideration under a reserved matters application it is considered that it would be possible to design a scheme which would not have adverse impacts on the amenity of neighbouring occupiers.

3.2 Neighbouring occupiers in Howberry Green are concerned that the provision of a footpath link would result in anti-social behaviour and a loss of security. However, the open space and children's play area are open to the public and there is no evidence to suggest that allowing future occupiers of the proposed development would pose any risk to the living conditions or security of residents of Howberry Green.

3.3 Future Residents

Any matters pertaining to the detailed relationships between each proposed unit, would be a matter for consideration under a reserved matters application, however, the indicative layout plan demonstrates that acceptable relationships could be achieved.

3.4 Both the railway to the west and the Cemex site to the south have the potential to result in noise pollution to future occupiers of the site. A condition is recommended to ensure that the development includes sufficient noise mitigation to protect future residents from unacceptable levels of noise pollution.

4. Highways Considerations

4.1 The proposal would remodel the existing T-junction to provide an access suitable for a residential development of this scale. Whilst the Town Council and third parties have objected to the perceived highways impacts of the scheme, the Highways Officer has raised no objections to the proposal, stating that, whilst there would be an increase in traffic accessing and egressing the site, this would not be significant and would be outweighed by the benefits of removing the HGV traffic which could be generated by the current use from the surrounding highway network.

4.2 The proposed access junction is considered to be acceptable in terms of its geometry and visibility.

4.3 Concerns have been raised that the development would not provide sufficient parking, resulting in on-street parking on Hitchin Road and in Howberry Green. It is considered that the indicative layout demonstrates that sufficient parking can be provided on the site for this quantum of development. Whilst the layout

of parking is a consideration for the reserved matters stage, it is considered important that the scheme provides sufficient parking. A condition is therefore recommended that would require any reserved matters scheme provides to provide car parking and cycle parking in accordance with the Council's standards in place at the time of the submission of the application, to include the provision of electric vehicle charging points.

- 4.4 Subject to the imposition of the conditions recommended by the Highways Officer and the parking provision condition, it is considered that the impact of the development on the safety and capacity of the highway network would be acceptable.

5. Other Issues

5.1 Affordable Housing

Policy compliant affordable housing is proposed and could be secured through a Section 106 Agreement.

5.2 Financial Contributions/S106 Obligations

Planning contributions are proposed to be secured, in accordance with the terms of the NPPF which states that any contribution must be:-

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development

The following will be secured by s106 planning agreement:-

- a formula based approach which, based on the indicative layout would provide £208,027.65 towards the provision of places at nursery, lower, middle and upper schools;
- a formula based approach which, based on the indicative layout would provide £55,000 towards the upgrade of children's play facilities at Howberry Green
- a formula based approach which, based on the indicate layout would provide £18,812 towards the upgrade of facilities at Arlesey Town Football Club;
- 35% affordable housing.

5.3 Climate Change

Policy DM1 requires all development above 10 dwellings to deliver 10% of the developments energy demand from renewable or low carbon sources. The proposed development is over the policy threshold. Policy DM2 requires all new residential development to meet CfSH Level 3. The energy standard of the CfSH Level 3 is below the standard required by the Part L2013 of the Building Regulations. All new development should therefore as a minimum comply with the new Part L2013 of the Building Regulations and deliver 10% of their energy demand from renewable sources to meet the requirement of

policy DM1. The Council's Sustainability Officer would wish to encourage the developer to achieve a higher energy efficiency standard than that prescribed by the 2013 part L of the Building Regulations, as energy efficient fabric leads to lower energy demand and smaller renewable energy installations to satisfy the requirement of policy DM1. This can be satisfactorily resolved as part of any forthcoming reserved matters application and can be controlled by condition.

5.4 **Ecology**

A condition is required by the Ecologist to secure net gains in biodiversity, as required in the NPPF.

5.5 **Flood Risk & SuDs**

A Flood Risk Assessment was supplied for consideration as part of the application. The SuDS Officer raises no objection subject to the imposition of planning conditions and it is considered that an appropriate SuDS strategy could be implemented on site through imposition of planning conditions so as to limit any flooding potential.

5.6 **Procedural Matters**

The Highways Officer raised concerns as to whether the correct certificate was signed on the application form as CBC does not own the site with the exception of the public highway. Officers can confirm that the correct certificate was signed as Certificate B allows for the serving of notice on owners other than the applicant.

5.7 **Contaminated Land**

Following receipt of the original objection from the Environment Agency additional information was provided. In response, the Environment Agency has withdrawn their objection. The Council's Pollution Team considers that contaminated land remediation can be adequately dealt with by way of a planning condition.

5.8 **Network Rail**

Network Rail has requested the imposition of planning conditions based on the proximity of the site to the railway. Those relevant to this outline application will be imposed.

5.9 **Arlesey Neighbourhood Plan**

Policy ARL14 of the Arlesey Neighbourhood Plan requires new residential development to be served by a superfast broadband connection. A planning condition is recommended to ensure the provision of the broadband connection.

5.10 **Human Rights and Equality Act issues:**

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

Recommendation:

That Planning Permission be APPROVED subject to the completion of a Section 106 Agreement and the following:

RECOMMENDED CONDITIONS

- 1 No development shall commence at the site until approval of the details of the appearance, landscaping, layout and scale of the development (herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be 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.

- 3 Any application for reserved matters shall include details of the existing and final ground, ridge and slab levels of the buildings. The details shall include sections through both the site and the adjoining properties. Thereafter the site shall be developed in full accordance with the approved details.

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.
(Policies CS14 & DM3, CSDMP and Section 12, NPPF)

- 4 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, CSDMP and Section 9, NPPF)

- 5 Visibility splays shall be provided at the junction of the access with the public highway before any part of the development is first occupied. The minimum dimensions to provide the required splay lines 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 access, and to make the access safe and convenient for the traffic which is likely to use it.
(Section 9, NPPF)

- 6 Visibility splays shall be provided at all internal road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the side road from its junction with the channel to the through road and 25m measured from the centre line of the side road along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and shall be maintained in perpetuity entirely free of any obstruction.

Reason: To provide adequate visibility at road junctions in the interest of road safety.
(Section 9, NPPF)

- 7 The development shall be served by means of roads and footpaths which shall be laid out and drained in accordance with the Central Bedfordshire Design Guide September 2014 or other such documents that replace them, and no dwelling shall be occupied until the roads and footpaths which provide access to it from the existing highway have been laid out and constructed in accordance with the above-mentioned Guidance.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.
(Section 9, NPPF)

- 8 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall include independent vehicular turning head areas for an 11.5m refuse collection vehicle.

Reason: To enable refuse vehicles to draw off and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway in the interests of highway safety.
(Section 9, NPPF)

- 9 The detailed layout plans to be submitted for the approval of reserved matters in connection with this development shall include vehicle parking and/or garaging in accordance with the Council's standards applicable at the time of submission. This shall include the provision of electric car charging points. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure provision for car parking clear of the highway in the interests of highway safety.
(Section 9, NPPF)

- 10 **No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles adopted in the Central Bedfordshire Council's SuDS SPD (2015), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall include the following:**

- Full detailed calculations using FEH rainfall data showing the simulated rainfall storms for the 1 year, 30 year, 100 year and 100 year plus climate change;
- Detailed plans and drawings showing the proposed drainage system in its entirety, including location, pipe run reference numbers, dimensions, gradients and levels (in metres above Ordinance Datum). This shall include all elements of the system proposed, including source control, storage, flow control and discharge elements;
- Details of the final outfall location and confirmation of the capacity, ownership and maintenance arrangements of the receiving drainage network off site, including any permissions as required.
- Details of flow control measures to be used, demonstrating that runoff rate and volume will be controlled to a value as close as is reasonably practicable to the greenfield equivalent.
- Full calculations of the attenuation storage volume required, including a 40% allowance for climate change, based on the simulated rainfall runoff and the agreed post-development discharge rates;
- Flooded areas for the 1 in 100 year storm when system is at capacity, demonstrating flow paths for design for exceedance.
- Integration of the drainage system with wider site objectives, including water quality treatment, amenity, biodiversity and amenity.
- Details of the structural integrity, proposed construction of the system, and any phasing of works.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site.

(Section 14, NPPF)

- 11 No dwelling shall be occupied until a 'management and maintenance plan' for the entire surface water drainage system, to include any proposed split of the surface water management system and/or maintenance responsibilities between private (i.e. within curtilage) and public (i.e. in public open space and/or highway) which demonstrates that all surface water management structures and facilities shall be maintained in perpetuity to assure that the structures and facilities function as originally designed, and that the approved surface water drainage scheme shall be correctly and fully installed as per the approved details, has been submitted to and approved in writing by the Local Planning Authority. The system shall be maintained in accordance with the approved management and maintenance plan thereafter.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written statement - HCWS161.

(Section 14, NPPF)

- 12 **No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:**

A Phase 2 investigation report for the entirety of the site along with a Remediation Method Statement should the Phase 2 discover the need for remediation. Should it be required, development shall thereafter take place only in accordance with the Remediation Method Statement.

Reason: The condition must be discharged prior to commencement to ensure that any contamination which exists on the site is identified and properly dealt with in the interests of the health and safety of construction workers, future occupiers of the site and of the surrounding area.

(Section 15, NPPF)

- 13 If a Remediation Method Statement is required to discharge condition 12 of this permission, no occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

A Validation Report by means of which the effectiveness of the remediation implemented by any Remediation Method Statement shall be demonstrated

to the Local Planning Authority (to incorporate photographs, waste transfer notes and depth measurements).

Any unexpected contamination discovered during works should be brought to the attention of the Planning Authority.

Reason: To protect human health and the environment
(Section 15, NPPF)

- 14 The application for the approval of reserved matters as they pertain to layout shall include a scheme for protecting the proposed dwellings from the railway noise, road noise and commercial/industrial noise and shall be in accordance with the mitigation proposals in the revised Auracle Acoustics noise assessment dated 23 August 2018. Any works which form part of the approved scheme shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority and shall be maintained in accordance with the approved scheme thereafter.

Reason: To protect the amenity of future occupiers of the proposed dwellings and to safeguard the interests of adjacent commercial/industrial businesses.
(Section 12, NPPF)

- 15 **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 dwellings the fire hydrants serving that development shall be installed as approved. Thereafter the fire hydrants shall be retained as approved in perpetuity.**

**Reason: In the interests of fire safety and providing safe and accessible developments.
(Section 8, NPPF)**

- 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 the following.**
- a) Purpose and conservation objectives for the proposed works.**
 - b) Review of site potential and constraints including corridor enhancement.**
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.**
 - d) Extent and location/area of proposed works on appropriate scale plans.**
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.**

f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.

g) Persons responsible for implementing the works.

h) Details of initial aftercare and long-term maintenance.

The EES shall be implemented in accordance with the approved details and all features shall be retained thereafter

Reason: The condition must be discharged prior to commencement to capture the existing ecological potential of the site. The condition is required to ensure the scheme delivers a net gain for biodiversity. (Section 15, NPPF)

- 17 No development shall take place until the Tree Protection Measures set out within the Arboricultural Impact Assessment and Method Statement 3283 Arlesey GPS AIA REV E and the Tree Protection Plan 3283 Arlesey GPS TPP REV E have been installed strictly in accordance with the Arboricultural Impact Assessment and Method Statement 3283 Arlesey GPS AIA REV E and the Tree Protection Plan 3283 Arlesey GPS TPP REV E. The development shall thereafter take place strictly in accordance with the measures set out within the Arboricultural Impact Assessment and Method Statement 3283 Arlesey GPS AIA REV E and the Tree Protection Plan 3283 Arlesey GPS TPP REV E.

Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended.
(DM14, CSDMP and Sections 12 & 15, NPPF)

- 18 The landscaping details required to be submitted by condition 1 of this permission shall include details of hard and soft landscaping (including details of boundary treatments and any public amenity open space) together with a timetable for its implementation. The development shall be carried out as approved and in accordance with the approved timetable.

The soft landscaping scheme, which will include ecological enhancement measures, shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes at the time of their planting, and proposed numbers/densities where appropriate; and details of a scheme of management/maintenance of the landscaping areas. The landscaping areas, including public amenity open space shall be managed thereafter in accordance with the approved management/maintenance details.

Reason: To ensure an acceptable standard of landscaping.
(Policy DM3, CSDMP and Sections 12 & 15, NPPF)

- 19 Any reserved matters application shall include a scheme for the secure storage of cycles on the site in accordance with the Council's standards. The

approved scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.
(Section 9, NPPF)

- 20 The reserved matters application required to be submitted by Condition 1 shall include a waste strategy scheme, to include details of all waste storage facilities, waste collection points and a scheme for the provision of all waste receptacles. The approved scheme shall be implemented in full before any of the dwellings hereby approved are first occupied and shall be retained thereafter.

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).

- 21 The reserved matters application to be submitted to comply with Condition 1 of this permission shall include details demonstrating how the development will achieve the following:

- 1) 10% energy demand of the development to be delivered from renewable or low carbon sources or development's energy demand will be reduced by at least 10% through fabric measures;
- 2) Water efficiency to achieve water standard of 110 litres per person per day.

The development shall subsequently be implemented in accordance with the approved details.

Reason: To ensure that the development would be sustainable and would contribute towards the reduction of climate change.
(Policies CS13, DM1 and DM2, CSDMP and Section 14, NPPF)

- 22 The development hereby approved shall comprise no more than 58 units.

Reason: For the avoidance of doubt

- 23 **No development shall take place until a Construction Management Plan detailing access arrangements for construction vehicles, on-site parking for construction workers, loading and unloading areas, materials storage areas, wheel cleaning arrangements and hours of construction work has been submitted to and approved in writing by the Local Planning Authority. The construction of the development**

shall be carried out in accordance with the approved Construction Management Plan.

Reason: The condition must be discharged prior to the commencement of the construction phase in the interest of highway safety and to ensure a satisfactory standard of construction and layout for the development.

(Policy DM3, CSDMP and Section 9, NPPF)

- 24 The development hereby permitted shall not be occupied or brought into use until the details of external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.

Reason: To protect the safety and visual amenity of the site and its surrounding area.

(Policies DM3, CSDMP and Section 12, NPPF)

- 25 No development shall take place until a scheme for the provision of a superfast broadband (fire-optic) connection to each residential property has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved scheme has been implemented.

Reason: The condition must be discharged prior to commencement to ensure that groundworks does not prejudice the possibility of providing the necessary connections. The condition is required to facilitate self-employment and sustainable working practices.

(Policy ARL14, Arlesey Neighbourhood Plan).

- 26 **No development shall take place until confirmation has been submitted from Network Rail that any necessary method statements relating to the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan or 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 and/or the details of any necessary Armco safety barriers has been reviewed and approved by Network Rail. The development shall be carried out strictly in accordance with any approved details.**

Reason: The condition must be discharged prior to commencement to ensure the safety, operational needs and integrity of the railway.

(Section 8, NPPF)

- 27 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 18021/1004, 18035/ARLS/5/500, Arboricultural Impact Assessment and Method Statement 3283 Arlesey GPS AIA REV E and the Tree Protection Plan 3283 Arlesey GPS TPP REV E.

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

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 Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire (CSDMP).
3. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.
4. 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 184/278 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.

5. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with Central Bedfordshire Council's "Cycle Parking Guidance - July 2010".
6. Network Rail has provided the following advice:

Drainage

All surface and foul water drainage from the development area should 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.

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) 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.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 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.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the

method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

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

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

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.

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 (*Cretaeagus*), 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 lime (*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.

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
Y01 6JT**

Email: assetprotectionlineem@networkrail.co.uk

7. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to. The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, should also be adhered to.

There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

8. In respect of condition 20 the following advice is provided:

The Council's waste collection pattern for **Arlesey** is as follows:

Week 1 – 1 x 240 litre residual waste wheelie bin, 1 x 23 litre food waste caddy

Week 2 – 1 x 240 litre recycling wheelie bin, 2 x reusable garden waste sacks, and 1 x 23 litre food waste caddy.

Please note that there is a contribution to pay for the supply/delivery of the bins. Our current charges for this are:

Set of food waste bins - £5 +VAT

240 - £25 +VAT per bin

360 - £35 + VAT per bin

660 - £250 + VAT per bin

1100 - £350 + VAT per bin

This must be paid prior to discharging the relevant condition. A purchase order must be raised for the quantity of bins required and sent to Waste Services quoting the relevant planning reference number. We will also require a map of the site detailing street names, plot and house numbers.

Wherever possible, refuse collection vehicles will only use adopted highways. If an access road is to be used, it must be to adoptable standards suitable for the refuse vehicle to manoeuvre safely around site (please see vehicle dimensions below). Typically, until roads are adopted or if the RCV is unable to manoeuvre around the site, bins are to be brought to the highway boundary or a pre-arranged point. If residents are required to pull their bins to the highway, a hard-standing area needs to be provided for at least 1 wheelie bin and a food waste caddy, in addition to 2 reusable garden waste bags. However, householders should not be expected to transport waste bins over a distance greater than 25m. Bins must not encroach on or cause a hazard or obstruction to the public highway. Waste vehicles will reverse a maximum of 15m to the point of collection. If there are any parts of the development that are not accessible to the RCV, bin collection points will need to be provided.

If there are any flats as part of the development the following information applies. Communal waste provision is allocated on the basis of 90l per week per waste stream per property; therefore, we would provide 1100 litre, 660 litre or 360 litre bins to be collected fortnightly. Our waste collection crew will move communal bins a maximum of 10m from the bin store to the waste collection vehicle, providing there are suitable dropped kerbs. We will require confirmation of this prior to ordering any bins for the development.

Bin stores should be easily accessible from the main highway and it is crucial that the store is secure with a lock to prevent potential fly tipping issues. A lock code will need to be provided to the Central Bedfordshire Waste Services Team. The door used by the collection crews will need to be wide enough to allow for easy removal of bins from the storage area. A dropped kerb will need to be provided to enable easy manoeuvrability, access and egress of the bins. The crew are not expected to move the bins over any undulating, non-paved, uneven surface, or where the gradient is deemed excessive. Lighting within the bin store should be provided so that the bins can be used safely by residents when it is dark. We would require a design layout to highlight where the bin store will be located.

Please also refer to the Design Guide as the Council will not be able to supply waste collections where the bin and access requirements do not meet our contractual provision, anything else differing to this will be incorporated as a condition.

<http://www.centralbedfordshire.gov.uk/planning/design/info.aspx>

Current Refuse Vehicle Dimensions

Eagle Elite 2 6x4 non-rear steer, 11.5m long

Overall Length	11.500m
Overall Width	2.530m
Overall Body height	3.756m
Min Body Ground Clearance	0.309m
Track Width	2.530m
Lock to Lock Time	4.00s
Kerb to Kerb Turning Radius	11.550m

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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