

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held at Council Chamber, Council Offices, High Street North, Dunstable on Wednesday, 9 September 2009

PRESENT

Cllr P F Vickers (Chairman)
Cllr A Shadbolt (Vice-Chairman)

Cllrs	P N Aldis	Cllrs	K Janes
	A R Bastable		D Jones
	R D Berry		K C Matthews
	Mrs C F Chapman MBE		A A J Rogers
	D J Gale		Mrs C Turner
	Mrs R B Gammons		

Apologies for Absence: Cllrs H J Lockey
Ms C Maudlin

Substitutes: Cllrs D Bowater (In place of H J Lockey)
I Dalgarno (In place of Ms C Maudlin)

Members in Attendance: Cllrs T Nicols,
R W Johnstone

DM/09/170 **Chairman's Announcements and Communications**

The Chairman advised the Committee that Item 11 relating to Reach Lane Quarry, Heath and Reach had been withdrawn at the request of the Applicant.

DM/09/171 **Minutes**

It was noted that the Minutes of the meeting held on 26 August 2009 were not available for signature at the present time.

DM/09/172 **Members' Interests**

(a) **Personal Interests:-**

None.

(b) **Personal and Prejudicial Interests:-**

None.

(c) **Prior Local Council Consideration of Applications**

Member	Item	Parish/Town Council	Vote Cast
Cllr A Shadbolt	8	Heath & Reach Parish Council	Did not Vote
Cllr Mrs R Drinkwater	7	Leighton Linlade Town Council	Did not take part as not a member of Parish Council

DM/09/173 **Petitions**

None received.

DM/09/174 **Disclosure of Exempt Information**

No proposals were received to deal with any items likely to involve the disclosure of exempt information.

DM/09/175 **Late Sheet and Representations**

In advance of consideration of the following Planning Applications, the Committee received a late sheet advising it of additional consultation, publicity, responses, comments and proposed additional/amended conditions. A copy of the late sheet is attached as an Appendix to these minutes.

During consideration of some of the Applications, the Committee received representations from members of the public in accordance with the Public Participation Procedure as set out in Annex 3 of Part A4 of the Constitution.

DM/09/176 **Planning Application No. CB/09/05279/FULL**

RESOLVED

that Planning Application No. CB/09/05279/FULL relating to 4 Lomond Drive, Linlade, Leighton Buzzard be approved as set out in the Schedule appended to these minutes.

DM/09/177 Planning Application No. SB/08/01126/TP

RESOLVED

that Planning Application No. SB/08/01126/TP relating to Kingswood Works, Woburn Road, Heath and Reach, Leighton Buzzard be approved as set out in the Schedule appended to these minutes.

DM/09/178 Planning Application No. CB/09/05299/FULL

RESOLVED

that Planning Application No. CB/09/05299/FULL relating to 99 Chiltern Road, Dunstable be approved as set out in the Schedule appended to these minutes.

DM/09/179 Planning Application No. CB/09/05417/FULL

RESOLVED

that Planning Application No. CB/09/05417/FULL relating to Shillington Lower School, Greenfields, Shillington be approved as set out in the Schedule appended to these minutes.

DM/09/180 Planning Application Nos. BC/CM/2008/19 and BC/CM/2008/20

RESOLVED

that Planning Application No. BC/CM/2008/19 and BC/CM/2008/20 had been withdrawn at the request of the Applicant.

DM/09/181 Site Inspection Appointment(s)

RESOLVED

that the following Members be appointed to conduct any site inspections inspected in advance of the next meeting of this Committee to be held on Wednesday 7 October 2009.

Chairman (or his nominee)
Cllrs P N Aldis
A A J Rogers
K Janes

(Note: The meeting commenced at 2.00 p.m. and concluded at 2.21 p.m.)

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Development Management Committee

Late Sheet

Wednesday, 9 September 2009

List of Speakers

Agenda No.	Planning Application	Page No.	Name	For the Application	Against Application
Schedule D					
11	BC/CM/2008/19 & BC/CM/2008/20	55	Roger Owers Heath and Reach Parish Council		Against

LATE SHEET**DEVELOPMENT MANAGEMENT COMMITTEE – 09 SEPTEMBER 2009****SCHEDULE B*****Item 7 (Page 1-6) – CB/09/05279/FULL – 4 Lomond Drive, Linslade, Leighton Buzzard, LU7 2XX*****Correction**

The site is in Southcott Ward (Councillors Peter Snelling and David Hopkin) and not Leighton-Linslade Central Ward.

Additional Comments

The plans have been amended to provide adequate visibility to the access. The objection from number 1 Carron Close has been withdrawn and Ward Councillor Hopkin has also withdrawn the call-in request.

Amended Condition

3. This permission relates only to the details shown on Drawing's entitled "Sheet 1 Plans and Elevations" and "Sheet 2 Existing Elevations" received 03/09/09 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved plans and to avoid doubt.

Item 8 (Page 7-42) – SB/08/01126/TP – Kingswood Works, Woburn Road, Heath and Reach, Leighton Buzzard LU7 0AZ**Additional Information**

A revised plan (received 14/08/09) has been submitted that indicates the following amendments to the scheme.

- The proposed dwellings would be re-positioned to the north so that all the new development (apart from small areas of the light wells and attenuation ponds of Houses 3 and 4) would be within that part of the site that is currently hardsurfaced – either factory or concrete hardstanding. As a consequence, the depth of the buffer strip at the southern end of the site, the location of a small population of Pennyroyal, would be increased from 5m to over 9m.
- The 'energy centre' (biomass boiler) and the 'packaged foul water treatment unit', previously proposed to be sited at the edge of applicant's woodland adjacent the factory site, would now be located within the development site beside the site entrance.

On page 29 of the Main Agenda Report (last paragraph of 'main consideration 5' – 'Loss of employment land'), reference is made to a letter from BK Engineering Limited being reproduced as an appendix. The letter was omitted, but is now appended to the Late Sheet. In addition to the information set out in the letter, the company advises that it currently employs 25 full-time and 3 part-time staff at Kingswood Works.

Amended/Corrected Conditions

15. Text should be in bold type. In '1. Site Characterisation', delete "crops, livestock, pets". In '2. Submission of Remediation Scheme', in the first line, "top" should read "to".
16. Text should be in bold type. In 1), the third bullet point, after "receptors" delete "of".

SCHEDULE C

Item 9 (Page 43-48) – CB/09/05299/FULL – 99 Chiltern Road, Dunstable, LU6 1ET

Additional Consultation/Publicity Responses

Highways: Recommends conditions.

Additional/Amended Conditions

- 7) There shall be no direct vehicular access from or onto Beech Green and any gap in the boundary wall, fence or hedge on the eastern boundary of the site with the public highway shall be no greater than 1.2 metres wide on to the footway of that public highway.
REASON: In the interests of road safety and traffic movement.
- 8) Renumbered agenda condition 7.

SCHEDULE D

Item 11 (Page 55-86) – BC/CM/2008/19 and BC/CM/2008/20 – Reach Lane Quarry, Heath and Reach

Revised Recommendations

The applicant has requested that determination of these applications be deferred.

The applicant has confirmed that he will carry out further investigations as to the quality of the mineral, and he has undertaken to submit further information in this regard not later than the end of October 2009. Officers are minded to recommend that the request for a deferral be accepted.

As officers would need to obtain specialist advice from a minerals consultant on the further information submitted before taking it into account, it is unlikely that a report could be completed in time for the matter to be reported to Committee on 18 November. It is therefore recommended that the applications be reported to the meeting of 16 December 2009.

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Kingswood Works, Heath and Reach
Leighton Buzzard, Bedfordshire LU7 0AZ
Tel: 01525 237411
Fax: 01525 237827
email: sales@bkengineering.com
Company No. 5172156

Mr. Chris Murdoch
Planning Department
Central Bedfordshire Council
The Council Offices
High Street North
Dunstable
Bedfordshire
LU6 1LF

CENTRAL BEDFORDSHIRE COUNCIL PLANNING DEVELOPMENT CONTROL SERVICE	
TO	C.M.
	15 JUN 2009
ACK	FILE NO 54712

June 9th 2009

Dear Mr. Murdoch

Re: PP-00601479 - KINGSWOOD WORKS, HEATH & REACH

As the current occupants of the Kingswood Works site, we are writing to clarify the situation regarding the B.K. Engineering tenancy in relation to the above Planning Application.

Our current five year lease was signed with Norman Hay plc in September 2006 and assigned to Metbrook Ltd when they bought the site in 2007. As you know, the site has previously been subject to several planning applications and we were fully aware that Metbrook would be continuing to pursue permission to redevelop the site for residential use.

With regards to our relocation, we understand that, when or if planning permission is granted, it would be some time before works could start on site, due to the restrictions imposed on construction operations during the nesting / breeding season, the cyclical nature of the housing market and the general time taken to mobilise a construction project. We have been advised that the absolute earliest works could start on site would be Autumn 2010 and would therefore have ample time and opportunity to find suitable premises and address the logistical issues of moving our larger pieces of machinery.

As such, there are no current plans for relocation, and we are not actively looking for new premises. When we do, we would hope to increase our floor area by around 15%, which is not possible at Kingswood Works.

With regards to location, we will obviously need to consider the needs and wishes of our staff and as such would hope to stay in the Heath & Reach / Leighton Buzzard area, therefore, hopefully, minimising the impact on peoples commuting time. However, we must also stress that we have not yet started looking for premises and if and when we do so we will also be bound by the practical and financial implications of the premises available at the time.

With regards to the current Planning Application, residential re-development would seem the obvious use for this already developed site, my opinion, for what it is worth, is that the houses look modest in relation to the existing industrial buildings and appear to address the restrictions imposed by the location of the site, of which we are well aware.

v a l u e t h r o u g h c o m m i t m e n t t o e x c e l l e n c e

We trust this clarifies the situation with regards to B.K. Engineering's position in relation to redevelopment of the site, but should you have further queries please do not hesitate to contact the undersigned.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Harbidge', written over a horizontal line.

Paul Harbidge
Director and Owner
BK Engineering Limited

Item No. 7**SCHEDULE B**

APPLICATION NUMBER	CB/09/05279/FULL
LOCATION	4 Lomond Drive, Linslade, Leighton Buzzard, LU7 2XX
PROPOSAL	Erection of single storey front and two storey side extension
PARISH	Leighton-Linslade
WARD	Leighton Linslade Central
WARD COUNCILLORS	Cllrs Bowater, Johnstone, Sharer & Spurr
CASE OFFICER	Nicola McPhee
DATE REGISTERED	15 July 2009
EXPIRY DATE	09 September 2009
APPLICANT	Mr A Kirk
REASON FOR COMMITTEE TO DETERMINE	Case called in by Cllr David Hopkin due to highway concerns
RECOMMENDED DECISION	Grant Planning Permission

Recommendation

That Planning Permission be **GRANTED** subject to the following:

- 1 The development 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 The external finish of the walls and roofing materials to be used for the extension shall match that of the existing building as closely as possible.
REASON: To ensure that the development is in keeping with the existing building.
(Policies BE8 & H8 S.B.L.P.R).
- 3 This permission relates only to the details shown on plan/s..... received
//** or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved plan/s and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy**East of England Plan**

ENV 1 - Quality in Town and Country

South Bedfordshire Local Plan Review

BE8 - Design considerations

H8 - Control of Extensions to Dwellings

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. 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.

[Note In advance of the consideration of the application, the Committee were advised of consultation received as set out in the late sheet appended to these minutes.]

Item No. 8**SCHEDULE B**

APPLICATION NUMBER	SB/08/01126/TP
LOCATION	Kingswood Works, Woburn Road, Heath And Reach, Leighton Buzzard, LU7 0AZ
PROPOSAL	Demolition of existing industrial unit and erection of four detached low carbon dwellings (Code for Sustainable Homes Level 5 with scope to upgrade to Level 6).
PARISH	Heath & Reach
WARD	Plantation
WARD COUNCILLORS	Cllrs Peter Rawcliffe & Alan Shadbolt
CASE OFFICER	Mr C Murdoch
DATE REGISTERED	22 December 2008
EXPIRY DATE	16 February 2009
APPLICANT	Metbrook Ltd
AGENT	Type3 Studio
REASON FOR COMMITTEE TO DETERMINE	Request by Councillor Alan Shadbolt
RECOMMENDED DECISION	Grant subject to Section 106 Agreement

Recommendation

To authorise the Assistant Director Development Management to issue the grant of PERMISSION subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure –

- Site Management Strategy and details of funding for management of site in perpetuity;
- Ecological enhancement of development site;
- Details of materials, surface finishes and methods of construction of dwellings and arrangements for surface water drainage;
- Transfer of woodland to Council and payment of contribution towards its management in perpetuity;
- Payment of contribution towards local community facilities;
- Payment of contribution towards local green infrastructure;

and subject to the following conditions:

- 1 The development 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 until a landscaping scheme to include any hard surfaces and earth mounding has 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 for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**
REASON: To ensure a satisfactory standard of landscaping. (Policy BE8, S.B.L.P.R.).
- 3 No demolition, construction or excavation or removal of trees shall be carried out on site between 1st March and 31st August inclusive of any year, unless otherwise approved in writing by the Local Planning Authority.
REASON: To safeguard breeding birds.
- 4 **No development shall take place until a scheme for the parking of vehicles on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the standards of the Local Planning Authority and 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. (Policy T10, S.B.L.P.R.).
- 5 **No development shall take place until a scheme for screen fencing and/or screen walling has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**
REASON: To safeguard the amenity of the area. (Policy BE8, S.B.L.P.R.).
- 6 Before the site is first occupied and with the exception of the site entrance, the boundary of the development site shall be defined by 2m high 'Weldmesh' fencing or similar, as indicated on Drawing No. 8004/AA/0501 received 14/08/09. Thereafter, such fencing shall be retained at that height and no gaps shall be formed within or under the fencing.
REASON: To define the boundary of the development site and to prevent encroachment of the new residential use into the adjoining SSSI woodland. (Policy BE8, S.B.L.P.R.).
- 7 **No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted, including the proposed 'living roofs' and light wells, 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 buildings. (Policy BE8, S.B.L.P.R.).

- 8 **No demolition, construction or excavation shall take place until details of the existing ground level and the finished floor levels of the proposed lower ground floor and the ground floor of each dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details of levels.**
REASON: To ensure that the proposed lower ground floor is constructed below the existing ground level, in the interests of safeguarding the openness of the Green Belt, and to produce a satisfactory relationship between the various elements of the scheme and adjacent properties.
(Policy BE8, S.B.L.P.R.).
- 9 **No development shall take place until the positions of the dwellings hereby permitted have been pegged out on site and their positions approved in writing by the Local Planning Authority.**
REASON: To enable consideration to be given to the precise layout of the development.
(Policy BE8, S.B.L.P.R.).
- 10 Any garage or car port and any access thereto shall only be used for purposes incidental to the use of the dwelling for residential purposes and no trade or business shall be carried out therefrom.
REASON: To prevent the introduction of any commercial use.
(Policy BE8, S.B.L.P.R.).
- 11 The development shall not be brought into use until a turning space for delivery vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.
REASON: To enable delivery vehicles to draw off, park and turn outside of the limits of the shared private access drive thereby avoiding the reversing of vehicles on to the shared private access drive.
- 12 **No development shall commence until wheel-cleaning facilities have been provided at the site exit in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development commences and the site developer(s) shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the development has been substantially completed or until such time as the Local Planning Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the shared private access drive have been completed.**
REASON: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the shared private access drive during the construction period.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order without modification), no additions to, or extensions or enlargements of, the dwellings hereby permitted shall be erected.
REASON: To safeguard the openness of the Green Belt and to control the external appearance of the dwellings in the interests of safeguarding the special landscape character of the area.
(Policies NE3 & BE8, S.B.L.P.R.).
- 14 Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no swimming or ornamental pools (other than the 'natural swimming ponds' indicated on Drawing No. 8004/AA/0501 received 14/08/09) and no buildings or other structures shall be erected or constructed within the curtilage of each dwelling
REASON: To safeguard the openness of the Green Belt and the special landscape character of the area.
(Policies NE3 & BE8, S.B.L.P.R.).
- 15 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied within relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

A survey of the extent, scale and nature of the contamination;

An assessment of the potential risks to:

Human health

Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes

Adjoining land

Ground waters and surface waters

Ecological systems

Archaeological sites and ancient monuments

An appraisal of remedial options, and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

REASON (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 16 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors of
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect controlled waters.

- 17 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
REASON: To protect controlled waters.
- 18 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
REASON: To protect controlled waters.
- 19 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
REASON: To protect controlled waters.
- 20 **No development shall take place until a Construction Environment Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. The Construction Environment Plan shall provide details of how the site environment will be protected, what protocols must be followed by all site staff, the timings of the demolition and construction works and details of the contacts from whom advice must be sought on the ecological impacts**

of the construction phase. All construction staff working on site and all visitors to the site during construction shall be made aware of the Construction Environment Plan.

REASON: To ensure that all site staff and visitors are made fully aware of the ecological sensitivities of the development site and the adjoining SSSI woodland.

21 No development shall take place until a Method of Construction Statement, to include details of:

- (a) parking of vehicles of site personnel, operatives and visitors,
- (b) loading and unloading of plant and materials,
- (c) storage of plant and materials within the site,
- (d) programme of works,
- (e) provision of any boundary hoarding,
- (f) size limits of construction vehicles working on, delivering to and removing materials from the site,

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

REASON: To control the development in the interests of the amenities of the area.

(Policy BE8, S.B.L.P.R.).

22 No development shall take place until an independently verified Code for Sustainable Homes report that achieves a Code Level 5 rating or above for each dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter, each dwelling shall be provided in accordance with the report before it is first occupied.

REASON: To ensure that the proposed dwellings are built to a previously approved standard of environmental performance, as set out in the Code for Sustainable Homes.

23 Notwithstanding the details submitted with the application, no development shall take place until further particulars of the following elements of the proposed scheme have been submitted to and approved in writing by the Local Planning Authority:-

- Details of the community refuse/recycling facility;
- Details of the packaged foul water treatment facility;
- Details of the renewable energy/biomass heating facility;
- Details of the roof-mounted photovoltaic panels;
- Details of the construction and long-term maintenance of the brown or living roofs;
- Details of the construction and long-term maintenance of the 'natural swimming ponds';
- Details of the protection and long-term management of the Pennyroyal population;
- Details of the measures to protect trees both within and adjoining the site;
- Details of the approved plant list;
- Details of all external lighting;
- Details of the proposed treatments for the site boundary, including along the shared private access drive and the junction with Woburn Road;

- **Details of the measures to remove rhododendron beside the shared private access drive.**

Thereafter, the development shall be carried out in accordance with the approved details.

REASON: To ensure that the environmental and ecological enhancements that form an integral part of the proposed scheme are secured throughout the life of the development.

- 24 This permission relates only to the details shown on the Site Location Plan and Drawing Nos. 8004/AA/0050, 8004/AA/0051, 8004/AA/0500, 8004/AA/0510, 8004/AA/0511, 8004/AA/0512, 8004/AA/0513, 8004/AA/0520, 8004/AA/0521, 8004/AA/0522, 8004/AA/0523, 8004/AA/0530, 8004/AA/0531, 8004/AA/0532, 8004/AA/0533, 8004/AA/0540, 8004/AA/0541, 8004/AA/0542, 8004/AA/0543, 8004/AA/0600, 8004/AA/0601, 8004/AA/0602, 8004/AA/0603, 8004/AA/0604, 8004/AA/0605, 8004/AA/0710, 8004/AA/0711, 8004/AA/0720, 8004/AA/0721, 8004/AA/0730, 8004/AA/0731, 8004/AA/0740 and 8004/AA/0741 received 10/12/08 and Drawing No. 8004/AA/0501 received 14/08/09 or to any subsequent appropriately endorsed revised plan
REASON: To identify the approved plans and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy

East of England Plan (May 2008)

Policy SS1 – Achieving Sustainable Development.

Policy SS4 – Towns other than Key Centres and Rural Areas.

Policy SS7 – Green Belt.

Policy E1 – Job Growth.

Policy H1 – Regional Housing Provision 2001 to 2021.

Policy ENV1 – Green Infrastructure.

Policy ENV2 – Landscape Conservation.

Policy ENV3 – Biodiversity and Earth Heritage.
Policy ENV5 – Woodlands.
Policy ENV7 – Quality in Built Environment.
Policy ENG1 – Carbon Dioxide Emissions and Energy Performance.
Policy ENG2 – Renewable Energy Targets.
Policy WAT1 – Water Efficiency.
Policy WM1 – Waste Management in Development.

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)
Strategic Policy 3 - Sustainable Communities.

Bedfordshire Structure Plan 2011
Policy 7 – Areas of Great Landscape Value.

South Bedfordshire Local Plan Review
Policy NE3 – Control of development in Areas of Great Landscape Value.
Policy BE8 – Design and environmental considerations.
Policy H2 – Making provision for housing via ‘fall-in’ sites.
Policy E2 – Control of development on employment land outside Main Employment Areas (Category 2).

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. 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.
4. In respect of Condition 24, the Preliminary Investigation Report has demonstrated that there are several contamination sources on site which could potentially have an impact on controlled waters and the surrounding SSSI. The Environment Agency therefore agrees with the proposals to carry out further site investigation to establish contamination levels present on the site.
In section 8.5.2 (b) it is not clear as to whether groundwater quality will be sampled alongside soils, therefore the Environment Agency recommends that groundwater sampling is carried out as part of the site investigation.
The Environment Agency recommends that developers should:
 1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
 2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that the Environment Agency requires in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
 3. Refer to the website at www.environment-agency.gov.uk for more information.

Land contamination investigations should be carried out in accordance with BS 5930:1999 'Code of Practice for Site Investigations' and BS 10175:2001 'Investigation of potentially contaminated sites - Code of Practice'. Soil and water analysis should be fully MCERTS accredited.

Site investigation works should be undertaken by a suitably qualified professional.

It is noted that on the Environment Agency's well archive there are several records of boreholes on site which have been used. If these boreholes are not to be used within the new development, the Environment Agency recommends that they are decommissioned in accordance with Environment Agency guidance 'Decommissioning Redundant Boreholes and Wells'. For a copy please contact your local Groundwater & Contaminated Land Team. By decommissioning boreholes the pathway between the surface and underlying groundwater is removed and the risk from pollutants using this pathway to migrate is reduced.

5. In respect of Condition 26, the proposed foundations for this site have not been confirmed. It is understood from the Preliminary Investigation Report that deep fill trenches are recommended with the possibility of piling. The Environment Agency recommends that piling on contaminated sites underlain by aquifers is avoided where possible, and that non-invasive methods, such as rafts, should be used instead. Where there is no alternative to piling, a method should be selected that minimises the risks of groundwater pollution or gas migration. Mitigation measures and/or environmental monitoring may need to be incorporated into the design. The method selected should be presented in a "Foundation Works Risk Assessment Report" which should be submitted to and approved by the Local Planning Authority before development commences.
6. The application suggests that soakaways and SUDs will be used as part of the drainage for the site. The applicant should note the following comments in respect of the Environment Agency's Groundwater Protection Policy:

P4-1 Regulatory – Direct Discharges – The Environment Agency will not authorise the direct discharge of pollutants into groundwater unless subject to the provisions set out in the Water Framework Directive (2000/60/EC), Article 11(3)(j) and the Groundwater Daughter Directive (2006/118/EC) Article 6.

P4-2 Regulatory – Domestic Discharge - Outside SPZ1, the Environment Agency will not require consent to be held for a discharge to ground of domestic sewage effluent equal to or less than 2 m³/day unless we consider that additional control is necessary to protect the underlying groundwater. (Situations where this may apply are given in Section 4.5.)

P4-7 Planning – Deep soakaways – The Environment Agency will object to the use of deep soakaways (including boreholes or other structures that bypass the soil layers) for surface water disposal unless the developer can show:

- there is no viable alternative; and
- that there is no direct discharge of pollutants to groundwater; and
- that risk assessment demonstrates an acceptable risk to groundwater; and

- that pollution control measures are in place.

The application states that soakaways may be placed into the Woburn Sands below the Glacial Till. The Environment Agency recommended depth for the installation of soakaways (and other infiltration systems) is 2m below ground level with a minimum of 1m between the highest seasonal groundwater levels and the base of the soakaway. By placing the soakaways within the Woburn Sands, the discharge would bypass the soil zone which would actively help attenuate any contaminant which may be present within the discharge. Similarly by placing the soakaways at a depth of greater than 2m makes clean-up of contamination in the event of a spill/incident difficult.

P4-5 Regulatory/Planning – Clean Roof Water - The discharge of clean roof water to ground is acceptable both inside and outside SPZ1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground. Open gullies should not be used.

The application is to use a rainwater harvesting system which includes 'natural ponds'. It was understood that surface water from driveways would also drain to these ponds. It is unclear how these are constructed and whether any mitigation measures are likely to be put in place. The Environment Agency therefore requests that further information be provided on the site's drainage system.

P4-12 Planning/Influencing - SUDs - Other than inside SPZ1, the Environment Agency will support the use of sustainable drainage systems for new discharges to ground of surface run-off from roads, vehicle parking and public/amenity areas, provided that an appropriate level of risk assessment demonstrates the groundwater conditions to be suitable. There should be adequate protective measures for groundwater and arrangements for effective management and maintenance of the system. (CIRIA 2000, 2004, 2007 SUDSWG).

No development should take place until an Investigation has been submitted to assess the impact that any SUDs will have on water quality. The Investigation should determine the type of SUDs proposed and mitigation needed. The construction of the SUDs should be carried out in accordance with details submitted to and approved in agreement with the Environment Agency. Drainage systems are to be constructed in line with guidance provided in CIRIA C697, as well as referring to the details given in C609 referred to above and C522 replacement (prior to publication, 2006, refer to CIRIA Report 609).

All infiltration structures (permeable pavements, infiltration trenches, soakaways, etc.) to be constructed to as shallow a depth as possible to simulate natural infiltration.

Base of infiltration structures is to be at least 1 metre above the highest seasonal water-table.

Given that there are boreholes already on site and that it is proposed to use them as a water supply within the new development, careful consideration should be given to the location of soakaways and SUDs. The Environment Agency recommends that a suitable risk assessment be carried out to ensure that there is no risk to the boreholes on site which are to be used for future potable water supplies.

[Note In advance of the consideration of the application, the Committee were advised of consultation received as set out in the late sheet appended to these minutes.]

Item No. 9

SCHEDULE C

APPLICATION NUMBER	CB/09/05299/FULL
LOCATION	99 Chiltern Road, Dunstable, LU6 1ET
PROPOSAL	Erection of single storey front, single storey rear and two storey side extensions, formation of vehicular access and construction of raised decking to rear
PARISH	Dunstable
WARD	Northfields
WARD COUNCILLORS	Cllrs Jeanette Freeman & Julian Murray
CASE OFFICER	Simon Barnett
DATE REGISTERED	17 July 2009
EXPIRY DATE	11 September 2009
APPLICANT	Dr A Chater
REASON FOR COMMITTEE TO DETERMINE	Application site includes highway land under the control of Central Bedfordshire Council
RECOMMENDED DECISION	Grant Planning Permission

Recommendation

That Planning Permission be **GRANTED** subject to the following:

- 1 The development 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 **Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and the extension not be used until the junction has been constructed in accordance with the approved details.**
REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
- 3 New external facing and roofing materials shall match those of the existing building as closely as possible.
REASON: To ensure that the development is in keeping with the existing building.
(Policies BE8 & H8, S.B.L.P.R).
- 4 With the exception of the raised decking to the rear no other part of any of the works hereby granted planning permission shall be used as a balcony, roof garden, terrace or other sitting out area or for any other similar purpose.
REASON: To protect the privacy of the occupiers of adjoining properties.
(Policies BE8 & H8, S.B.L.P.R).

- 5 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays 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, and to make the access safe and convenient for the traffic which is likely to use it.
- 6 Before the extensions are first occupied, all on site vehicular areas shall be surfaced in accordance with a scheme submitted to and approved in writing by the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
REASON: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.
- 7 This permission relates only to the details shown on Drawing No. BDL/EXT/207 Rev.D Pages 3 of 7, 4 of 7, 5 of 7 & 7 of 7 received 30/06/09 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved plans and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy

East of England Plan

ENV7 - Quality in the Built Environment

South Bedfordshire Local Plan Review

H8 - Extensions to Residential Properties

BE8 - Design and Environmental Considerations

T10 - Parking

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).

3. 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.
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 Highway Engineer, Central Bedfordshire Council, PO Box 1395, Bedford, MK42 5AN. The applicant is also advised that if any of the works associated with the construction of vehicular access affects or requires the removal and/or 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.

[Note In advance of the consideration of the application, the Committee were advised of consultation received as set out in the late sheet appended to these minutes.]

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Item No. 10

SCHEDULE C

APPLICATION NUMBER	CB/09/05417/FULL
LOCATION	Shillington Lower School, Greenfields, Shillington, Hitchin, SG5 3NX
PROPOSAL	Full: Installation of a canopy.
PARISH	Shillington
WARD	Silsoe & Shillington
WARD COUNCILLORS	Cllr R Drinkwater & Cllr A Graham
CASE OFFICER	Annabel Gammell
DATE REGISTERED	20 July 2009
EXPIRY DATE	14 September 2009
APPLICANT	Board of Governors
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Land owned by Central Bedfordshire Council
RECOMMENDED DECISION	Full Conditional Approval

Site Location:

The application site is Shillington Lower School and Pre-School which comprises of various school-related buildings within the school campus which is within Shillington Settlement Envelope, surrounded on 3 sides by residential gardens, and open countryside to the north.

A temporary building which houses Shillington Pre-School is within the grounds of the school and to the west of the Lower School. The school site also has a large hard play area and a playing field. There is currently one large tent like canopy on the school site, permission has been granted for two more.

The Application:

This application seeks permission for the installation of a canopy structure to provide a covered area for the pre-school children to play. The canopy would be enclosed within the existing Pre-School play area which is fenced off from the main school play area. The Pre-School play area is west of the main school building. The canopy would be some 4.5 metres in height and would cover an area of approximately 37 sqm.

RELEVANT POLICIES:

National Policies (PPG + PPS)

PPS 1 Delivering Sustainable Development (2005)

Regional Spatial Strategy

East of England Plan (May 2008)
Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Bedfordshire Structure Plan 2011

Not applicable

Mid Bedfordshire Local Plan First Review 2005

Policy DPS6 – extensions and alterations

South Bedfordshire Local Plan Review Policies

Not applicable

Supplementary Planning Guidance

Mid Bedfordshire District Council's Technical Guidance:
'Extensions and Alterations: A Design Guide for Householders' (2004)

Planning History

CB/09/00968/FULL	Installation of two canopies. - Full Conditional Approval
MB/06/00428/CC	County Council: Single storey extension to form library and offices at front of school. - Full Conditional Approval
MB/02/02215/FULL	Full: Siting of temporary classroom unit for use by local play group. - Full Conditional Approval
MB/02/01855/FULL	Full: Siting of steel container for use by Shillington Scout group. - Full Conditional Approval
MB/01/01853/CC	COUNTY COUNCIL: ERECTION OF SINGLE STOREY EXTENSION TO FORM LIBRARY AND NEW ENTRANCE.
MB/01/01500/CC	COUNTY COUNCIL: SINGLE STOREY EXTENSION FOR CLASSROOM WITH ANCILLARY WORKS AND PROVISION OF TWO NEW CAR PARKING SPACES
MB/97/00765/CC	COUNTY COUNCIL: SITING OF SINGLE TEMPORARY CLASSROOM.

Representations: (Parish & Neighbours)

Shillington PC:	No objection.
Adj. occupiers:	No responses received.

Consultations/Publicity responses

Site notice posted 11.08.09: No comments received.

Determining Issues

The main considerations of the application are;

1. The effect on the character and appearance of the surrounding area

2. The impact on the residential amenity of neighbouring properties
3. Any other implications of the proposal

Considerations

1. Effect on the character and appearance of the area

The canopy structure would be situated within the school grounds not visible from the public realm. It would be close to an existing building in order to reduce its visual impact upon the surrounding area and it would be coloured brown and cream, again to reduce its visual impact when viewed against the backdrop of the school. This is designed to match the existing canopy on the school site and the two canopies which were granted permission July 09.

Overall, it is not considered that the canopy structure would detrimentally impact upon the character and appearance of the surrounding area, in accordance with Policy DPS6 of the Mid Bedfordshire Local Plan First Review 2005.

2. Impact on the residential amenity of neighbouring properties

The canopy structure would be within the school grounds approximately 20 metres away from the site's northern boundary, which is currently enclosed by mature trees.

As the proposed canopy would be over 50 metres from a residential house and therefore it is considered that the proposed canopy is not close enough to any neighbouring residential properties to cause an adverse impact on their residential amenity in terms of loss of light or outlook or cause an overbearing impact.

The proposal is therefore considered to be acceptable in this respect.

3. Any other implications

The canopy would be in compliance with the requirements of the Government's "Every Child Matters Agenda" for children to learn outside. The proposed canopy would provide the opportunity for outside learning and minimise potential harm from the elements for children of Pre-School age.

Reasons for Granting

The proposal to erect the canopy structure would not impact detrimentally upon the character and appearance of the surrounding area and there would be no adverse impact upon the residential amenity of any neighbouring properties. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policy DPS6 of the Mid Bedfordshire Local Plan First Review (2005).

Recommendation

That Planning Permission be granted subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 The materials to be used for the development hereby permitted shall be as detailed in the application hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the surrounding area.

DECISION

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Item No. 11

SCHEDULE D

APPLICATION NUMBERS	BC/CM/2008/19 & BC/CM/2008/20
LOCATION	Reach Lane Quarry, Heath & Reach
PROPOSALS	<ul style="list-style-type: none"> (i) Revised scheme for phasing of extraction and backfilling (following a landslip in June 2007) to comply with conditions 1, 13, 14 and 22 of planning permission number 9/2003. (application no. BC/CM/2008/20) (ii) Importation and disposal of inert waste to enable restoration of Reach Lane Quarry (application no. BC/CM/2008/19)
PARISH	Heath & Reach
WARD & COUNCILLORS	Plantation – Cllr. Alan Shadbolt & Cllr. Peter Rawcliffe
CASE OFFICER	David Peachey
DATE REGISTERED	31 st July 2008
EXPIRY DATE	30 th October 2008
APPLICANT	L.B Silica Sand Ltd
AGENT	Atkins Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	<p>SIGNIFICANT OBJECTIONS & DEVELOPMENT IN THE GREEN BELT</p> <p>Refusal of both applications (ref. BC/CM/2008/20 & BC/CM/2008/19) for the reasons set out at the end of this report.</p>

Withdrawn Application – The Application was withdrawn at the request of the Applicant.

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