

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 1 February 2012

PRESENT

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

Cllrs	P N Aldis	Cllrs	Mrs R J Drinkwater
	A R Bastable		Mrs R B Gammons
	R D Berry		K Janes
	D Bowater		D Jones
	A D Brown		T Nicols
	Mrs S Clark		I Shingler
	I Dalgarno		J N Young

Apologies for Absence: Cllrs Mrs C F Chapman MBE
Ms C Maudlin

Substitutes: Cllrs C C Gomm (In place of Mrs C F Chapman MBE)
K C Matthews (In place of Ms C Maudlin)

Members in Attendance: Cllrs I A MacKilligan
Mrs P E Turner MBE,
R W Johnstone

Officers in Attendance:	Miss H Bell	Committee Services Officer
	Miss C Golden	Senior Planning Officer
	Mr D Hale	Planning Manager South
	Mr D Lamb	Planning Manager East
	Mrs L Newlands	Principal Planning Officer

DM/11/107 **Chairman's Announcements**

- (1) The Chairman asked the Committee to silence their mobile phones for the duration of the meeting.
- (2) The Chairman reminded Members that the Ethical Handbook rule 13.5.5 states that Members must be present to hear the entire debate including the officers introduction to the matter in order to take part in the consideration of an item.
- (3) 'West Linslade' appeals Central Bedfordshire Council and Aylesbury Vale Council wer dismissed by the Secretary of State for residential development of 900 dwellings on 30 January 2012.

DM/11/108 **Minutes**

RESOLVED

that the Minutes of the meeting of the Development Management Committee held on the 4 January 2012 be confirmed and signed by the Chairman as a correct record.

DM/11/109 **Members' Interests**

(a) **Personal Interests:-**

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr N Young	8	Involved in discussions with objectors and application in my ward.	Present
All Members of the Committee and Substitutes	10	Received letter from Shillington Parish Council	Present

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

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr P N Aldis	10 & 11	Member of Aragon Housing Association. Applicant is parent company of Aragon Housing Association	Absent
Cllr Mrs R Drinkwater	10 & 11	Member of Aragon Housing Association. Applicant is parent company of Aragon Housing Association	Absent
Cllr P F Vickers	9	Architect and Agent associated with workplace	Absent

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

Member	Item	Parish/Town Council	Vote Cast
Cllr S Clark	7	Attended Marston Moretaine and Lidlington Parish Councils	Did not vote
Cllr A Bastable	7	Attended Marston Moretaine and Lidlington Parish Councils	Did not vote

DM/11/110 **Petitions**

The Chairman advised that no petitions had been received.

DM/11/111 **Planning Enforcement Cases Where Formal Action Has Been Taken**

RESOLVED

that the update on planning Enforcement Cases where formal action has been undertaken be noted.

DM/11/112 **Late Sheet**

In advance of the consideration of the following Planning Applications the Committee received a Late Sheet advising 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/11/113 **Planning Application No. CB/11/04077/FULL**

RESOLVED

that Planning Application No.CB/11/04077/FULL relating to The Marston Vale Millennium Country Park, Station Road, Marston Moretaine be approved as set out in the schedule appended to these Minutes.

DM/11/114 **Planning Application No. CB/11/04135/OUT**

RESOLVED

that Planning Application No CB/11/04135/OUT relating to Land off Kiln Way be approved to incorporate a Unilateral Undertaking as at Option A as set out in the Late Sheet to include contributions as follows:

Wildlife Trust : £8,000.00

Affordable Housing: £22,747.69

DM/11/115 **Planning Application No. CB/11/04338/FULL**

RESOLVED

that Planning Application No CB/11/04338/FULL relating to Rubython House, 7 St Johns Road, Moggerhanger be approved as set out in the schedule appended to these Minutes.

DM/11/116 **Planning Application No. CB/11/03036/FULL**

RESOLVED

that Planning Application No CB/11/03036/FULL relating to Scyttels Court, Vicarage Close, Shillington be approved as set out in the schedule appended to these Minutes.

DM/11/117 **Planning Application No. CB/11/03037/CA**

RESOLVED

that Planning Application No CB/11/03037/CA relating to Scytells Court, Vicarage Close, Shillington be approved as set out in the schedule appended to these Minutes.

DM/11/118 **Site Inspection Appointment(s)**

RESOLVED

that the following Members be appointed to conduct any site inspections to be undertaken in advance of the next meeting of this Committee to be held on Monday 27 February 2012:

Chairman (or his nominee)

Vice- Chairman (or his nominee)

**Cllrs PN Aldis
A D Brown
D Bowater**

(Note: The meeting commenced at 2.00 p.m. and concluded at 5.50 p.m.)

Chairman

Dated

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Item No. 7**SCHEDULE B**

APPLICATION NUMBER	CB/11/04077/FULL
LOCATION	The Marston Vale Millennium Country Park, Station Road, Marston Moretaine, Bedford, MK43 0PR
PROPOSAL	Erection of a wind turbine, up to 120.5 metres in height, and ancillary infrastructure in Marston Vale Millennium Country Park.
PARISH	Marston Moretaine
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	CIIs Bastable, Matthews & Clark
CASE OFFICER	Lisa Newlands
DATE REGISTERED	11 November 2011
EXPIRY DATE	10 February 2012
APPLICANT	Marston Vale Trust
AGENT	AMEC E&I UK LTD
REASON FOR COMMITTEE TO DETERMINE	
RECOMMENDED DECISION	Full Application - Granted

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 planning permission is for a period from the date of the installation until the date occurring 25 years after the date of Commissioning of the Development. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

Reason: In the interests of visual amenity and landscape protection.

- 3 **No development shall take place until full details of the turbine, including make, model, design, power rating, sound power levels and tonal assessment have been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure that the turbine is in accordance with the details

submitted in the Environmental Statement and protect the amenities of the neighbouring residential properties.

- 4 **No development shall take place until details of the external appearance and colour finishes of the turbine and details of the design, including samples of the external materials and the associated infrastructure hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.**

Reason: To protect the visual amenities of the area.

- 5 The maximum height of the turbine hereby permitted, when measured from the turbine base to the blade tip in the vertical position, shall be no greater than 120.5 metres.

Reason: For the avoidance of doubt

- 6 Not later than 3 months from the date that the planning permission hereby granted expires, or if the turbine ceases to operate for a continuous period of 6 months then, unless otherwise agreed in writing with the Local Planning Authority, it shall be dismantled and removed from the site and the land reinstated to its former condition.

Reason: To ensure that the turbine is removed at the end of its operational life and to safeguard the character of the locality.

- 7 **No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction vehicle routes, site accesses, the management of junctions with, and crossings of, the public highway and other public rights of way, the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs, temporary removal or replacement of highway infrastructure/street furniture, reinstatement of any signs, verges or other items displaced by construction traffic, and banksman/escort details. Development shall be carried out in accordance with the approved CTMP including any agreed mitigation measures and reinstatement/improvements of the highway works along the route.**

Reason: To ensure the development is undertaken safely and without undue disturbance to the local community.

- 8 The rating level of noise emissions from the wind turbine, (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed 35dB LA90 at any dwelling for any relevant 10m height 10 minute mean above ground level measured integer wind speed between 1-12m/s and:

A. Prior to the First Export Date the wind farm operator shall submit to the Local Planning Authority for written approval a list of

proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

- B. Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this paragraph (B), the wind farm operator shall provide the information logged in accordance with paragraph (G) to the Local Planning Authority in the format set out in Guidance Note 1(e).
- C. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limit of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.
- D. Prior to the submission of the independent consultants assessment of the rating level of noise emissions in accordance with paragraph (E), the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the following:
- (i) the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions; and
 - (ii) a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (B), and such others as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the rating level of noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.

- E. The wind farm operator shall provide to the Local Planning Authority the independent consultants assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request

of the Local Planning Authority made under paragraph (B) unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultants assessment of the rating level of noise emissions.

- F. Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultants assessment pursuant to paragraph (E) above unless the time limit has been extended in writing by the Local Planning Authority.
- G. The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at the wind turbine all in accordance with Guidance Note 1(d). 10m height wind speeds averaged over 10 minute periods shall be measured at a location approved by the local planning authority for comparison with noise levels, for the duration of the noise level compliance check survey. Rainfall shall also be measured during any measurement regime at a location approved by the local authority in writing. These data obtained shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- H. Once the Local Planning Authority has received the independent consultants noise assessment required by this condition, including all noise measurements and audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limit, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall within 14 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed with the Local Planning Authority.

For the purposes of this condition, a “dwelling” is a building which is lawfully used as a dwelling house and which exists or had planning permission at the date of this consent.

Reason: To ensure that the amenities of occupiers are not prejudiced by excessive noise.

- 9 The wind turbine shall not emit greater than expected amplitude modulation.

Amplitude modulation is the modulation of the level of broadband noise emitted by a turbine at blade passing frequency. These will be deemed greater than expected if the following characteristics apply:

- a) A change in the measured LAeq 125 milliseconds turbine noise level of more than 3dB (represented as a rise and fall in sound energy levels each of more than 3dB) occurring within a 2 second period.
- b) The change identified in (a) above shall not occur less than 5 times in any one minute period provided that the LAeq, 1 minute turbine sound energy level for that minute is not below 28dB.
- c) The changes identified in (a) and (b) above shall not occur for fewer than 6 minutes in any hour.

Noise emissions at the complainant's dwellings shall be measured not further than 35m from the relevant dwelling building, and not closer than 10m of any reflective building or surface other than the ground, or within 1.2m of the ground.

- i) Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling which relates to amplitude modulation, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess whether there is greater than expected amplitude modulation from the wind farm at the complainant's property. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this condition, the wind farm operator shall provide the information logged in accordance with this condition to the Local Planning Authority in the format set out in Guidance Note 1(e).
- ii) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with this condition, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified. Measurements to assess compliance with the noise limit of this condition shall be undertaken at the measurement location or locations approved in writing by the Local Planning Authority.
- iii) Prior to the submission of the independent consultant's assessment of the rating level of noise emissions in accordance with the requirements of this condition, the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions.
- iv) The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise,

or are identified as causing greater than expected amplitude modulation having regard to the written request of the Local Planning Authority, and such other conditions as the independent consultant considers likely to result in a breach of the noise limits. The assessment of the noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority.

- v) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of greater than expected amplitude modulation within 2 months of the date of the written request of the Local Planning Authority unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise emissions.
- vi) The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at the wind turbine all in accordance with Guidance Note 1(d). 10m height wind speeds averaged over 10 minute periods shall be measured at a location approved by the local planning authority for comparison with noise levels, for the duration of the noise level compliance check survey. Rainfall shall also be measured during any measurement regime at a location approved by the local authority in writing. These data obtained shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- vii) Once the Local Planning Authority has received the independent consultant's noise assessment required by this condition, including all noise measurements and audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limit, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall within 14 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that the amenities of neighbouring occupiers are not prejudiced by excessive noise.

- 10 The turbine shall be fitted with 25 candela omni-directional red lighting at the highest practicable point and this shall be retained for the lifetime of the

turbine.

Reason: In the interests of air safety.

- 11 The Applicant shall provide written confirmation of the following details to the Ministry of Defence and Civil Aviation Authority within 3 months of the date of this permission and the erection of the wind turbines shall not occur until this confirmation has been given:

- i) the proposed date of commencement of the development
- ii) the maximum extension height of any construction equipment

Reason: In the interests of aviation safety.

- 12 Within 14 days of the commissioning of the final turbine, the Company shall provide written confirmation of the following details to the Ministry of Defence and the Civil Aviation Authority:

- i) date of completion of construction
- ii) the height above ground of the highest potential obstacle
- iii) the position of that structure in latitude and longitude
- iv) the lighting details of the site

Reason: In the interest of aviation safety

- 13 The turbines hereby consented shall be positioned within 10m of the co-ordinates stated in the application and the location of the turbine shall be approved in writing by the Local Planning Authority in advance of the turbine being constructed. No further movement of the location shall be undertaken without the written approval of the Local Planning Authority.

Reason: To ensure an acceptable siting of the turbine and the appropriate ground conditions.

- 14 **No construction activity shall take place until a detailed Ecology Monitoring Programme has been submitted to and approved in writing by the Local Planning Authority, in consultation with Natural England. This will include details of automated data gathering for bats, and use of suitably experienced ecologists to carry out collision searches and monitor the activity of bats and birds in the vicinity of the turbine over the period beginning April to the end of October. Following two years of monitoring, the results shall be formally submitted to the Local Planning Authority, and used to modify turbine operating protocol if necessary.**

Reason: To ensure that biodiversity interests are protected.

- 15 **No construction activity shall take place until the mitigation measures outlined in the Ecological Assessment to minimise ecological impacts during the construction process have been gathered together into a single 'Construction Environment Management Plan' and have been submitted to and agreed in writing by the Local Planning Authority. This shall include a protocol for avoiding impacts to protected and**

notable species, such as timing constraints and procedure for undertaking construction activities in an ecologically sensitive manner, and a clear point of contact for ecological advice during the works. All contractors must be formally briefed on this document prior to their commencing work on site.

Reason: To ensure that biodiversity interests are protected.

- 16 **No development shall take place until a scheme setting out measures for protecting all trees, shrubs and other natural features during construction work has been submitted to and approved in writing by the Local Planning Authority. No work shall commence on site until all trees, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**

- **for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;**
- **for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;**
- **for other natural features along a line to be approved in writing by the Local Planning Authority.**

Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

Reason: To safeguard the existing trees on the site in the interests of visual amenity.

- 17 **Prior to the commencement of development, a baseline television reception study in the Marston Moretaine area shall be undertaken by a qualified television engineer and submitted to the Local Planning Authority. Details of works necessary to mitigate any adverse effects to domestic television signals in the Marston Moretaine Area caused by the development shall also be submitted to and approved in writing by the Local Planning Authority. Any claim by any person for domestic television picture loss or interference at their household within 12 months of the final commissioning of the wind turbine, shall be investigated by a qualified television engineer and the results submitted to the Local Planning Authority. Should any impairment to the television reception be determined by the qualified engineer as attributable to the wind turbine on the basis of the baseline reception study, such impairment shall be mitigated within 3 months of this decision according to the mitigation scheme outlined.**

Reason: To ensure that the impact of the turbine on broadcast systems are adequately mitigated.

- 18 **The wind turbine hereby approved shall operate in accordance with a shadow flicker mitigation scheme which shall be submitted to and**

approved by the Local Planning Authority prior to the operation of any wind turbine unless a survey carried out on behalf of the developer in accordance with a methodology approved in advance by the local planning authority confirms that shadow flicker effects would not be experienced within habitable rooms within any dwelling.

Reason: To ensure shadow flicker is adequately mitigated.

Reasons for Granting

The proposal for the installation of a turbine up to 120.5m would not impact detrimentally upon the surrounding landscape character, or upon cultural heritage or archaeology, or local ecology, hydrology or geology, or upon the residential amenity of nearby residential properties. The proposal is also considered to be acceptable in terms of telecommunication and aviation considerations and traffic generation and access. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 1 (2005), Supplement to Planning Policy Statement 1: Planning and Climate Change (2007), Planning Policy Statement 22 (2004), Planning Policy Statement: Consultation – Consultation on a Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate (2010), The UK Low Carbon Transition Plan (2009), The UK Renewable Energy Strategy (2009), Overarching National Policy Statement for Energy (EN-1) (2009), National Policy Statement for Renewable Energy Infrastructure (EN-3) (2009), Planning Policy Statement 5: Planning for the Historic Environment (2010), Planning Policy Statement 7: Sustainable Development in Rural Areas (2004), Planning Policy Statement 9: Biodiversity and Geological Conservation (2005), Planning Policy Guidance 24: Noise (1994). It is also in conformity with Policies CS13, CS16, DM1, DM14, DM15 and DM17 of the Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document 2009.

Notes to Applicant

1. The granting of this planning permission does not absolve the applicants from complying with the relevant law protecting species, including obtaining and complying with the terms of conditions of any licences required, as described in Part IV B of *Circular 06/2005*.
2. Marston Moretaine Public Footpath No. 72 lies adjacent to the proposed development. The footpath does not appear to be affected by the proposal, however the surface of the footpath must not be disturbed and no materials can be stored on the path at any time.
The Applicant is advised that if the Public Footpath is to be temporarily closed a period of six weeks notice will be required to arrange the temporary closure.
3. The applicant is advised that in order to comply with Condition 5 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be

4. **Guidance Notes for Noise Conditions**

These notes are to be read with and form part of the noise conditions 8 and 9. They further explain the conditions and specify the methods to be deployed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3. References to assessment of rating levels does not apply to the assessment of greater than expected amplitude modulation. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1 applies to noise condition 8 on planning permission and Note 1(e) & 1(d) also applies to noise condition 9 on planning permission

- (d) Values of the LA90,10-minute noise statistic required for condition 8 should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- (e) The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the

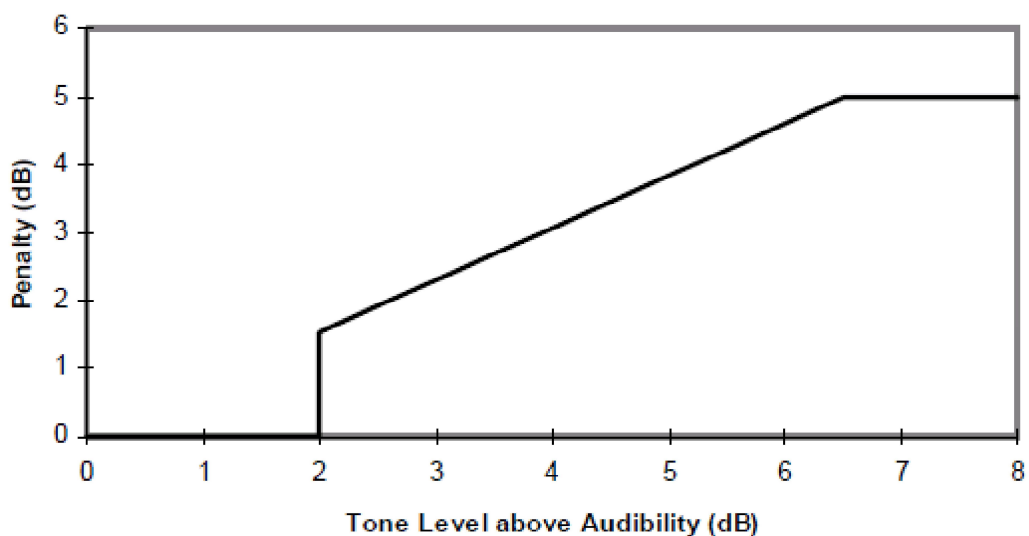
- (f) The LA90, 10-minute measurements should be synchronised with measurements of the 10-minute arithmetic average wind speed and with operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (g) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s), arithmetic mean wind direction in degrees from north and rainfall data in each successive 10-minute periods by direct measurement at the meteorological monitoring location approved by the Local Planning Authority. In relation to noise condition 8 it is this procedure, which is determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). The wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle and arithmetic mean power generated during each successive 10-minutes period for each wind turbine on the wind farm. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time.
- (h) Data provided to the Local Planning Authority in accordance with paragraphs (E) (F) and (G) of noise condition 8 and as required under noise condition 9 shall be provided in comma separated values in electronic format.

Note 2 applies to noise condition 8 on planning permission

- (a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).
- (b) Valid data points are those measured in the conditions set out in the assessment protocol approved by the Local Planning Authority under paragraph (E) of the noise condition but excluding any periods of rainfall measured at the approved meteorological measurement location provided in accordance with the planning permission on the wind farm site.
- (c) Values of the LA90,10-minute noise measurements and corresponding values of the 10-minute ten metre height wind speed for those data points considered valid in accordance with Note 2 paragraph (b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Note 3

- (a) Where in accordance with the approved assessment protocol under paragraph (D) of noise condition 8, noise emissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which $L_{A90,10\text{-minute}}$ data have been determined as valid in accordance with Note 2 a tonal assessment shall be performed on noise emissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from standard procedure shall be reported.
- (c) For each of the 2-minute samples the tone level above audibility (L_{ta}), shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.
- (d) The tone level above audibility (L_{ta}) shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- (e) A least squares “best fit” linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line fitted to values within $\pm 0.5\text{m/s}$ of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.
- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Note 4

- (a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 above at each integer wind speed within the range set out in the approved assessment protocol under paragraph (E) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.
- (c) In the event that the rating level is above the limit in the noise condition the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rated level relates to wind turbine noise emission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant or the Local Planning Authority requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
- i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range set out in the approved assessment protocol under paragraph (E) of the noise condition.
 - ii. The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

- iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L_1 at that integer wind speed.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then the development fails to comply with the conditions.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of the additional consultation/publicity responses received from Cranfield Airport.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.

Item No. 8

SCHEDULE B

APPLICATION NUMBER	CB/11/04135/OUT
LOCATION	Land off Kiln Way, Dunstable, Beds LU5 4GZ
PROPOSAL	Erection of eight dwellings, access road and associated works
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Young
CASE OFFICER	Mr J Spurgeon
DATE REGISTERED	28 November 2011
EXPIRY DATE	23 January 2012
APPLICANT	Dunmore Developments Ltd
AGENT	R&J Consultants Ltd
REASON FOR COMMITTEE TO DETERMINE	Ward Member call-in on the basis of loss of amenity to a residential property in Jeansway.
RECOMMENDED DECISION	Outline Application - Granted

Recommendation

That the Director of Sustainable Communities be delegated authority to GRANT Planning Permission subject to the completion of a satisfactory legal undertaking **(to incorporate Option A with contributions from the Wildlife Trust £ 8,000.00 and Affordable housing £ 22,747.69)** and to the following conditions listed below

- 1 **Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**
 - appearance
 - landscaping

Reason: To comply with Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

- 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 **Before development begins, samples of the materials to be used for the external walls and roofs of all new buildings shall be submitted to and approved in writing by the Local Planning Authority. The development**

shall thereafter be carried out in accordance with the approved details.

**Reason: To control the appearance of the building/s.
(Policies ENV7 RSS; BE8 S.B.L.P.R).**

- 4 Details of a screen fence scheme shall be submitted to and approved in writing by the Local Planning Authority and the screen fences as approved shall be erected before the development is first occupied or brought into use and thereafter retained.

Reason: To ensure that privacy is adequately maintained.
(Policy BE8 S.B.L.P.R)

- 5 **No development shall take place until the applicant or developer has secured the implementation of a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.**

**Reason: To record and advance understanding of the significance of the heritage assets with archaeological interest in accordance with Policy HE12.3 of PPS5: *Planning for the historical environment*.
(Policy ENV6 RSS)**

- 6 **No clearance of vegetation shall take place between the months of March and August (inclusive) of any year, except as may be thoroughly assessed by a suitably experienced ecologist not to be in use by nesting birds. No clearance of vegetation shall take place at any time unless a phased strimming programme under the supervision of a suitably qualified ecologist (to ensure that any reptiles present can be relocated into the vegetation surrounding the survey area) has been undertaken between the months of May to September (inclusive). No clearance of the site or commencement of development shall take place unless a suitably qualified ecologist is present to check for badger setts. Any excavations deeper than 1m shall be fenced at night in order to prevent access by badgers.**

**Reason: To safeguard nesting birds.
(Policy: ENV3 RSS)**

- 7 **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. The development shall be carried out in accordance with the approved details.**

Reason: To protect the quality of the groundwater in the Principal Chalk Aquifer directly beneath the site. Any drainage design must be protective of the groundwater and in line with the Environment Agency 'Groundwater Protection: policy and practice (GP3)' for the use of infiltration techniques to be approved.

- 8 **Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.**

Reason: Environment Agency condition. To prevent the pollution of controlled waters. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), (a) no rear or side extension shall be made to the houses approved by this permission, (b) no buildings exceeding a height of 2.5m from the lowest part of the adjacent ground level within the curtilage of any plot, and (c) no raised platform or patio within any rear garden which has a height of more than 0.3m above adjacent ground level (as assessed from approved drawing S1/09105) shall be erected or engineered without the grant of express planning permission of the Local Planning Authority.

Reason: Such structures, on rising ground and in some cases built up to the level of the main house, would add to any overdevelopment and oppressiveness of the development from the perspective of Jeansway properties.

- 10 Notwithstanding details indicated on drawing B11612/100 rev.B, before development commences on the bin/cycle store for any plot details shall be submitted to and approved in writing by the Local Planning Authority of the elevations, slab height and precise location of such building and the building shall be constructed in accordance therewith.

Reason: To safeguard the amenities of Jeansway properties to the north.

- 11 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all dwellings as is necessary to achieve as a minimum standard an internal noise level for bedrooms of 30dB(A)eq, 8hour (2300 - 0700h) and for living rooms of 35dB(A)eq, 16hour (0700 - 2300h). Any works which form part of the scheme approved by the Local Planning Authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to that Authority in writing before any permitted dwelling is occupied, unless an alternative period is approved in writing by that Authority.

Reason: To safeguard occupiers from any external noise from servicing nearby premises or the proposed Busway.

- 12 Prior to development, a Tree Protection Plan and Arboricultural Method Statement shall be submitted to the Local Planning Authority for approval, to be based on the findings of the Arboricultural Constraints Plan (Ref. D14 17 09), which forms part of Appendix 4 of the Arboricultural Impact Assessment supplied by JP Associates (Consultants) Ltd (Ref. 014 17 09 01) made in support of the application. The Tree Protection Plan and Arboricultural Method Statement shall clearly show the position and build specification of tree protection, to be erected along the edge of the calculated Root Protection Area. The protective fencing shall form a "Construction Exclusion Zone" (as specified in Section 9 of BS 5837 : 2005), which shall be demarcated by Protective Barriers (as specified by Figure 2 of the BS 5837: 2005) and will be for the purpose of avoiding direct canopy and root damage and localised compaction of the rooting medium of the retained "off-site" tree T1 (as identified by the Tree Survey Plan), caused by plant and machinery.

Reason: To safeguard the integrity of the rooting medium, rooting system and existing canopy spread of tree T1 located "off-site" in neighbouring property, in the interests of maintaining the health and appearance of this boundary tree contributing to visual amenity and boundary screening. (Policies ENV7 RSS; BE8 SBLP).

- 13 **Development shall not begin until details of the junction between the proposed estate road and the existing highway have been approved by the Local Planning Authority and no building shall be occupied until that 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 of the proposed estate road.

- 14 Visibility splays shall be provided at all 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 be entirely free of any obstruction.

Reason: To provide adequate visibility at road junction in the interest of road safety.

- 15 **Development shall not begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**

Reason: To ensure that the proposed road works are constructed to an adequate standard.

- 16 No dwelling shall be occupied until all triangular vision splays are provided on each side of all accesses on to the new road 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 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 proposed highway and accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

- 17 The maximum gradient of the vehicular access shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.

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

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

- 19 If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.

Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.

- 20 No development shall commence until a wheel cleaning facility has been provided at the site exit in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 21 **Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

Reason: To ensure the provision of adequate cycle parking to meet the

needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 22 **Development shall not begin until the detailed plans of the proposed highway lighting, using light emitting diodes (LED) within the development has been approved by the Local Planning Authority and no building shall be occupied until that lighting has been installed in accordance with the approved details.**

Reason: To ensure that the proposed highways are adequately lit.

- 23 **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off street parking during construction in the interests of road safety.

- 24 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, Drawing No's S1/09105; B11612/100C, 101, 102, 103A, 104A, 105A; M4382 P 018 plus the Design and Access Statement or to any subsequent appropriately endorsed revised plan.

Reason: To identify the approved drawings and Design and Access Statement and to avoid doubt.

Reasons for Granting

The site is allocated in the South Bedfordshire Local Plan for residential development (Policy H1) and a Development Brief has been approved. This scheme would comprise phase 2 of the allocation, phase 1 being occupied and phase 3 remaining. The principal of residential development is thus established. The scheme complies with key components of the Brief, particularly in respect of layout and the provision of 2-storey housing. The density of the scheme has been reduced to reflect the development challenges of the site, and the concerns with design which failed the earlier scheme have been addressed. Most rear gardens have been lengthened, the houses are of lower than usual height, the slab levels are as low as the site can allow and there are gaps between the buildings. It is considered that the submission has done as much as possible within the Brief parameters to safeguard privacy and residential amenity. Part of the concern from residents addresses the loss of a view which, although particularly attractive, is not fundamentally a planning consideration. This approach to the proposal is considered to be in line with that of the planning Inspector who determined the recent appeal on this site and who stated that some effect on outlook and privacy would be inevitable. The application provides a financial contribution towards affordable housing, which had been absent in previous schemes.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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).
2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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:

East of England Plan (May 2008)

SS2 Overall spatial strategy
SS3 Key centres for development and change
T1 Regional transport strategy objectives and outcomes
T2 Changing travel behaviour
T4 Urban transport
T8 Local roads
T9 Walking, cycling and other non-motorised transport
T13 Public transport accessibility
T14 Parking
ENV2 Landscape conservation
ENV3 Biodiversity and earth heritage
ENV7 Quality in the built environment
WM Waste management in development

Bedfordshire Structure Plan 2011

Policy 25 Infrastructure.

South Bedfordshire Local Plan Review

BE8 Design and environmental considerations
H1 Provision for housing
H3 Local housing needs
T4 Public transport along the former railway line
T10 Parking
T11 Contributions - alternatives to parking
R10 Play area standards
R11 New urban open space.

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 / developer is advised to refer to the comments made by the Environment Agency to this application (ref: AC/2012/116096/01-L01, in its letters dated 11/1/12 and 24/01/12, sent from the Huntingdon office) in which informatives are set out. Such letter may be inspected on the Council's website within the documentation relating to this application.
5. The Local Planning Authority should be notified in writing of any unexpected contamination discovered during works. The British Standard for Topsoil, BS 3882:2007 specifies requirements for topsoils that are moved or traded and should be adhered to. Contact: Andre Douglas, Public Protection Officer, Central Bedfordshire Council, 0300 300 8000.
6. Consent has being granted in recognition that no underground services are scheduled to be routed through the Root Protection Areas of the retained "off-site" tree T1 (as identified by the Tree Survey Plan). If any services are subsequently required to be routed through the designated area protected under the Tree Protection Plan, then this work shall be carried out in full accordance with the National Joint Utilities Group (NJUG) Volume 4 "Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees". Contact: Tree and Landscape Officer, Central Bedfordshire Council.
7. Further to condition 1, the landscaping scheme to be submitted should show the species, sizes, position and planting specification of new trees, shrubs, climbers and hedging, to be planted during the planting season following completion of development. During each subsequent August for the first five years following initial planting, any losses of plants should be checked and recorded and losses be replaced using the same species, planting size and planting specification in the following growing season (a growing season shall be deemed to be between 1st November to 31st March). Contact: Tree and Landscape Officer, Central Bedfordshire Council.
8. The following recommendations of the Extended Phase 1 Habitat survey should be noted:
 - care to avoid works which may have a negative impact on the Dunstable to Luton disused railway CWS
 - all excavations over 1m in depth should be fenced overnight to prevent fatal access by badgers
 - undertake a Japanese knotweed survey and carry out appropriate remedial worksbefore the site is cleared but within the months of May to September to undertake a phased strimming programme to the semi-improved grassland in the centre of the site, under the supervision of a suitably qualified ecologist, to enable relocation of reptiles.
9. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Council's Highway Help Desk, P.O. Box 1395, Bedford MK42 5AN.

- 10 The applicant is advised that if it is the intention to request the Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Planning and Control Group, Central Bedfordshire Council's Highway Help Desk, P.O. Box 1395, Bedford, MK42 5AN. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
- 11 The applicant is advised that in order to comply with Condition 17 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Planning and Control Group, P.O. Box 1395, Bedford, MK42 5AN.
- 12 All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire (Design Supplement 7 – Movement, Street and Places" and the Department of the Environment / Department of Transport's "Manual for Street", or any amendment thereto.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of consultation and publicity responses from the Highway Officer and Environment Agency. There were amendments to the Conditions. In addition the Committee were advised of a choice of 2 financial contribution options as set out in the Late Sheet and subsequently invited to vote upon their preferred option.

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Item No. 9

APPLICATION NUMBER	CB/11/04338/FULL
LOCATION	Rubython House, 7 St Johns Road, Moggerhanger, Bedford, MK44 3RJ
PROPOSAL	Change of use of land from agricultural to the keeping of horses and erection of stable block with facility for food, tack and equipment storage (part retrospective).
PARISH	Moggerhanger
WARD	Northhill
WARD COUNCILLORS	Cllr Mrs Turner
CASE OFFICER	Samantha Boyd
DATE REGISTERED	07 December 2011
EXPIRY DATE	01 February 2012
APPLICANT	Mr L Albone
AGENT	Jacques Strachan Associates
REASON FOR COMMITTEE TO DETERMINE	Due to public concern
RECOMMENDED DECISION	Full Application - Granted

Recommendation

That Planning Permission be granted subject to the following:

- 1 The development hereby permitted shall be used only as private, non-commercial stabling and for no other purpose.

Reason: To prevent the stables from being used for commercial purposes to the detriment of the locality.

- 2 **Within 3 months of the date of this decision full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- proposed finished levels or contours;
- materials to be used for any hard surfacing;
- planting plans, including schedule of size, species, positions, density and times of planting;
- cultivation details including operations required to establish new planting;

The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the site and the area generally.

- 4 **Within 3 months of the date of this decision details of the storage and disposal of manure shall be submitted to and approved in writing by the Local Planning Authority. Dung shall be stored and disposed of strictly in accordance with the approved details.**

Reason: In the interests of neighbouring amenity and to prevent pollution of the environment.

- 5 **No further development shall take place until the applicant or developer has secured the implementation of a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved."**

Reason: To record and advance understanding of the significance of the heritage asset in accordance with Policy HE12.3 of PPS5: *Planning for the Historic Environment*.

- 6 No manure shall be burnt on site.

Reason: To safeguard the amenities of the nearby properties.

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers LA5/10, LA5/16, LA5/17.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal would not have an adverse impact on the character and appearance of the area or the amenity of neighbouring properties therefore by reason of its site, design and location, the proposal is in conformity with Policies DM3, DM4 and DM18 of the Core Strategy and Management Policies, November 2009; Planning Policy Statement 7, Regional policies in the East of England Plan (May 2008) and the Milton Keynes and South Midlands Sub-Regional Strategy (March 2005).

NOTES

(1) In advance of the consideration of the application the Committee were advised of consultation received from Moggerhanger Parish Council who had no objections but had concerns relating to waste material from horses and seepage of horse waste in to a pond which maybe habitat of Great Crested Newts.

(2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.

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Item No. 10

APPLICATION NUMBER	CB/11/03036/FULL
LOCATION	Scyttels Court, Vicarage Close, Shillington
PROPOSAL	Demolition of 2 storey block of flats and erection of 13 no new 2 and 3 bed dwellings with associated amenity and parking.
PARISH	Shillington
WARD	Silsoe & Shillington
WARD COUNCILLORS	Cllr MacKilligan
CASE OFFICER	Clare Golden
DATE REGISTERED	19 September 2011
EXPIRY DATE	19 December 2011
APPLICANT	Grand Union Housing Group
AGENT	David Coles architects ltd
REASON FOR COMMITTEE TO DETERMINE	Cllr MacKilligan has requested that the application be determined at the Development Management Committee on the grounds of a high level of public interest and concern
RECOMMENDED DECISION	Full Application - Granted

Recommendation

That Planning Permission be **Granted** subject to the following conditions and the completion of a Section 106 requiring the development to remain as affordable housing.

- 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 **Details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing buildings, the visual amenities of the locality and the character and appearance of the conservation area, in accordance with Policies DM3, DM13 and CS15 of the Adopted Core Strategy, Development Management Policies, 2009.

- 3 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas, and to reduce the risk of flooding, in accordance with Policy DM3 of the Adopted Core Strategy, Development Management Policies, 2009, and PPS25.

- 4 **Prior to the commencement of development a scheme setting out measures for protecting all trees, shrubs and other natural features during construction work shall be submitted to and approved in writing by the Local Planning Authority. No work shall commence on site until all trees, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**

- **for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;**
- **for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;**
- **for other natural features along a line to be approved in writing by the Local Planning Authority.**

Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

Reason: To safeguard the existing trees on the site in the interests of visual amenity, in accordance with Policy DM3 of the Adopted Core Strategy, Development Management Policies, 2009.

- 5 **Full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **materials to be used for any hard surfacing;**
- **proposed and existing functional services above and below ground level;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**

- cultivation details including operations required to establish new planting;
- the physical demarcation of the highway edge
- a scheme for replacement tree planting including number, location, size, species and a planting and maintenance schedule shall be submitted to and approved in writing

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

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area, in accordance with Policy DM3 of the Adopted Core Strategy, Development Management Policies, 2009.

- 6 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 no building shall be occupied 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, in accordance with Policy DM3 of the Adopted Core Strategy, Development Management Policies, 2009.

- 7 No dwelling shall be occupied until visibility splays have been provided at the junction of the estate road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 33m measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it, in accordance with Policy DM3 of the Adopted Core Strategy, Development Management Policies, 2009.

- 8 Visibility splays shall be provided at the junction of the vehicular access to Plot 1 with the public highway. The splays shall extend to the limits of the site's highway frontage on each side of the access from a point on the centre line of the access measured 2.4m back from the road channel. The vision splays so described shall be maintained 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, in accordance with Policy DM3 of the Adopted Core Strategy, Development Management Policies, 2009.

- 9 **Development shall not begin until the detailed plans and sections of the proposed road, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**

Reason: To ensure that the proposed roadworks are constructed to an adequate standard, in accordance with Policy DM3 of the Adopted Core Strategy, Development Management Policies, 2009.

- 10 **The proposed vehicular access to Plot 1 shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 5m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.**

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of the highway, in accordance with Policy DM3 of the Adopted Core Strategy, Development Management Policies, 2009.

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

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises, in accordance with Policy DM3 of the Adopted Core Strategy, Development Management Policies, 2009.

- 12 **Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority for written agreement:**

a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.

b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

c) Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

Prior to completion of any scheme hereby approved, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and validation sampling.

Any remediation scheme, including variations, shall be submitted in writing to the local planning authority for the agreement prior to the commencement of such works. This should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

Applicants are advised that, should groundwater or surface water courses be at risk of contamination during or after development, Environment Agency (EA) approval of measures to protect water resources must be sought. Waste Licensing and related matters are also in the remit of the EA.

Reason: To protect human health and the environment.

- 13 No burning shall take place on site during the demolition and construction of the development. All reasonable steps, including the damping down of site roads shall be taken to minimise dust and litter emissions from the site whilst works of construction or demolition are in progress.

Reason . To protect the amenity of the residential properties

- 14 During the demolition and construction of the development, working hours shall be restricted to 8am - 6pm, Monday to Friday and 8am - 1pm on Saturdays, and not at all on Sundays and Bank holidays. Vehicles arriving at and leaving the site must do so within these working hours.

Reason. To protect the amenity of the neighbouring residential properties.

- 15 **Details of a bin storage/collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The development shall thereafter be completed in accordance with the approved details.**

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

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 09062(D)20 A; 09062(D)21 A; 09062(D)22 A; 09062(D)25; (D)30 A; 09062(D)31 A; 09062(D)32 A; 09062(D)098; 09062(D)097; 09062(D)50 A; 09062(D)102 A; 09062(D)100 D; 09062(D)101 B; 09062(D)099 A; SJA124.01.A; SJA124.04.A; Protected Species Survey, June 2011, Philip Irving; Regulations Compliance Report, July 2011; Transport Statement, Woods Hardwick, August 2011; Tree Survey and Assessment, Steve Jowers Associates, June 2011; Heritage, Design, Access and Justification Statement, David Coles Architects, December 2011;

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal to demolish the existing building and erect 13 dwellings would not have a negative impact on the visual amenity of the surrounding area, and would preserve the character and appearance of the conservation area. It would not have an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety. Therefore, by reason of its site, design and location, the proposal is in conformity with Policies CS1, CS2, CS3, CS5, CS7, CS13, CS14, CS15, DM1, DM2, DM3, DM4, DM5, DM10, and DM15 of the Core Strategy and Management Policies, November 2009; Planning Policy Statement 1, Planning Policy Statement 3, Planning Policy Statement 5, Planning Policy Guidance 13, Planning Policy Guidance 17. It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010, the Council's Planning Obligations Strategy, 2008 and Shillington Conservation Area Character Appraisal, 2006.

Notes to Applicant

1. 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 write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BD quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Amphill Road, Bedford MK42 9BD.
3. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
4. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide for Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.

NOTES

- (1) In advance of the consideration of the application the Committee were advised that subsequent to the despatch of the agenda consultation had been received from Shillington Men's Club, Shillington Women's Institute and Shillington Wives Group. Concerns were raised in relation to the loss of an informal car parking arrangement at Scyttels Court for visitors to the church and problems associated with this. A letter of objection from Shillington Parish Council regarding nil Section 106 contributions.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.

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Item No. 11

APPLICATION NUMBER	CB/11/03037/CA
LOCATION	Scyttels Court, Vicarage Close, Shillington
PROPOSAL	Conservation Area Consent: Demolition of 2 storey block of flats
PARISH	Shillington
WARD	Silsoe & Shillington
WARD COUNCILLORS	Cllr MacKilligan
CASE OFFICER	Clare Golden
DATE REGISTERED	19 September 2011
EXPIRY DATE	14 November 2011
APPLICANT	Grand Union Housing Group
AGENT	David Coles Architects Ltd
REASON FOR COMMITTEE TO DETERMINE	Cllr MacKilligan has requested that the application be determined at the Development Management Committee on the grounds of a high level of public interest and concern
RECOMMENDED DECISION	Conservation Area - Granted

Recommendation

That Conservation Area Consent 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to ensure that this consent does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 The demolition works hereby approved shall only be carried out in connection with the redevelopment of the site as permitted by planning permission reference CB/11/03036/FULL and the two permissions shall be implemented as a single continuous development scheme.

Reason: To ensure that an unsightly cleared site is not created to the detriment of the character and amenities of the area.

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers; 09062(D)098; 09062(D)097; 09062(D)099; 397412 C; 397413 C; 397416 A; Heritage, Design, Access and Justification Statement, David Coles Architects, December 2011.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal to remove the existing building would preserve the Shillington Conservation Area. The scheme therefore, by reason of its site, design and location, is in conformity with Planning Policy Statement 5 (2010), and Policies DM3, CS15, and DM13 of the Core Strategy and Development Management Policies, November 2009. It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, and Shillington conservation Area Appraisal, 2006.

NOTES

- (1) In advance of the consideration of the application the Committee were advised that subsequent to the despatch of the agenda consultation had been received from Shillington Men's Club, Shillington Women's Institute and Shillington Wives Group. Concerns were raised in relation to the loss of an informal car parking arrangement at Scyttels Court for visitors to the church and problems associated with this. A letter of objection from Shillington Parish Council regarding nil Section 106 contributions.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.