CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 27 June 2012

PRESENT

Cllr A Shadbolt (Chairman)
Cllr K C Matthews (Vice-Chairman)

Cllrs	A R Bastable	Cllrs	Mrs R B Gammons
	M C Blair		D Jones
	D Bowater		Ms C Maudlin
	Mrs C F Chapman MBE		T Nicols
	Mrs S Clark		I Shingler
	I Dalgarno		P F Vickers
	Mrs R J Drinkwater		J N Young

Apologies for Absence:	Cllrs	P N Aldis R D Berry
Substitutes:	Cllrs	L Birt (In place of Cllr R D Berry) P Williams (In place of Cllr P N Aldis)
Members in Attendance:	Cllrs	D J Hopkin Mrs J G Lawrence D J Lawrence, A D Brown

Officers in Attendance:	Mr D Ager	Highways Officer
	Miss H Bell	Committee Services Officer
	Mr A Bunu	Senior Planning Officer
	Mr A Davie	Head of Development Management
	Mr A Davies	Senior Planning Officer
	Mrs V Davies	Principal Planning Officer
	Mr J Ellis	Planning Manager West
	Mr A Emerton	Managing Solicitor Planning, Property, Highways & Transportation
	Miss C Golden	Senior Planning Officer
	Mr D Hale	Planning Manager South
	Mr D Lamb	Planning Manager East
	Mr N Smith	Senior Planning Officer

DM/12/205 **Chairman's Announcements**

The Chairman reminded Members to silence their mobile phones for the duration of the meeting.

The Chairman advised that the order of the agenda would be varied and duly considered in the following order;

Item 11, 7, 8, 10, 14, 15, 16, 9, 17, 20, 24, 25, 12, 13, 19, 18, 23, 22, 21, 26.

DM/12/206 **Minutes**

RESOLVED

that the Minutes of the meeting of the Development Management Committee held on 23 May 2012 be confirmed and signed by the Chairman as a correct record subject to an amendment to Minute No DM/12/197, deleting reference to 'Watercote' replacing with the word 'Waterlane'.

DM/12/207 **Members' Interests**

(a) **Personal Interests:-**

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr D Bowater	7 & 8	3 of the Trustees are Rotarians	Present
Cllr T Nicols	7 & 8	Know Trustees	Present
Cllr C Maudlin	20	Know husband of applicant	Present
Cllr A Brown	14	Involved in meetings with Developer and residents	Present
Cllr A Brown, K Matthews, N Young	14	Have met with Consultant	Present
Cllr A Shadbolt	24 & 25	Have received correspondence	Present
All Members of the Committee	14	Have received emails and correspondence	Present
Cllr K Matthews	11	Acquainted with Supporter	Present
Cllr K Matthews & N Young	11	Have met with Developer and Principal of College	Present

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

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr R Drinkwater	9	Member of Aragon Board	Absent
Cllr P Vickers	24 & 25	Trustee of adjacent property to South of application site and had discussions with applicant.	Absent
Cllr Mrs Chapman	13	Trustee of Marston Vale Trust	Absent

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

Member	Item	Parish/Town Council	Vote Cast
Cllr A R Bastable	13	Marston Parish Council	Did not vote
Cllr A Shadbolt	7, 8 ,9 & 10	Leighton Linslade Town Council	Did not take part in debate or vote
Cllr P Vickers	24 & 25	Biggleswade Town Council	Did not take part or vote
Cllr S Clark	13	Marston Vale Parish Council	Did not vote

DM/12/208 **Petitions**

The Chairman advised that no petitions had been received.

DM/12/209 **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/12/210 **Late Sheet**

In advance of the consideration of the 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.

DM/12/211 **Planning Application No. CB/12/01255/FULL**

RESOLVED

that Planning Application No CB/12/01255/FULL relating to 53 North Street, Leighton Buzzard be approved as set out in the Schedule appended to these Minutes.

DM/12/212 **Planning Application No.CB/12/01275/LB**

RESOLVED

that Planning Application No Cb/12/01275/LB relating to 53 North Street, Leighton Buzzard be approved as set out in the schedule appended to these Minutes.

DM/12/213 **Planning Application No. CB/12/01238/VOC**

RESOLVED

that Planning Application No. CB/12/01238/VOC relating to 4 Hillside Road, Leighton Buzzard be approved as set out in the Schedule appended to these Minutes.

DM/12/214 **Planning Application No. CB/11/03933/FULL**

RESOLVED

that Planning Application No. CB/11/03933/FULL relating to Land at Vimy Road, Linslade be approved as set out in the schedule appended to these Minutes.

DM/12/215 **Planning Application No CB/12/01650/FULL**

RESOLVED

that Planning Application No. CB/12/01650/FULL relating to Former Dunstable Fire Station, Brewers Hill Road, Dunstable be approved as set out in the Schedule appended to these Minutes.

DM/12/216 **Planning Application No. CB/12/01799/ALT**

RESOLVED

that Certificate No. CB/12/01799/ALT relating to Victoria Allotments, West Street, Dunstable be granted as set out in the Schedule appended to these Minutes.

DM/12/217 **Planning Application No. CB/12/00718/VOC**

RESOLVED

that Planning Application No. CB/12/00718/VOC relating to The Marston Vale Millennium Country Park, Station Road, Marston Moretaine be approved as set out in the schedule appended to the Minutes.

DM/12/218 **Planning Application No. CB/12/01125/FULL**

RESOLVED

that Planning Application No. CB/12/01125/FULL relating to Bridge Farm, Ivel Road, Shefford be approved as set out in the Schedule appended to these Minutes.

DM/12/219 **Planning Application No. CB/12/1123/OUT**

RESOLVED

that Planning Application No. CB/12/1123/OUT relating to Bridge Farm, Ivel Road, Shefford be approved as set out in the Schedule appended to these Minutes.

DM/12/220 **Planning Application No. CB/12/0938/FULL**

RESOLVED

that Planning Application No.CB/12/0938/FULL relating to Shefford Lower School, Bloomfield Drive, Shefford be approved as set out in the Schedule appended to these Minutes.

DM/12/221 **Planning Application No. CB/12/00645/OUT**

RESOLVED

That Planning Application No CB/12/00645/OUT relating to Stables Rear of 50 High Road, Shillington be approved as set out in the Schedule appended to these Minutes.

DM/12/222 **Planning Application No.CB/12/00925/LB**

RESOLVED

that Planning Application No. CB/12/00925/LB relating to 10 Market Square, Potton be approved as set out in the Schedule appended to these Minutes.

DM/12/223 **Planning Application No. CB/12/00356/ADV**

RESOLVED

that Planning Application No. CB/12/00356/ADV relating to 10 Market Square, Potton be approved as set out in the Schedule appended to these Minutes.

DM/12/224 **Planning Application No. CB/12/01201/FULL**

RESOLVED

That Planning Application No. CB/12/01201/FULL relating to 64 High Road, Beeston be approved as set out in the Schedule appended to these Minutes.

DM/12/225 **Planning Application No. CB/12/01268/LB**

RESOLVED

that Planning Application No. CB/12/01268/LB relating to 16 Ickwell Green, Ickwell be approved as set out in the Schedule appended to these Minutes.

DM/12/226 **Planning Application No. CB/12/01267**

RESOLVED

That Planning Application No. CB/12/01267 relating to 16 Ickwell Green, Ickwell be approved as set out in the Schedule appened to these Minutes.

DM/12/227 **Planning Application No. CB/12/10329/RM**

RESOLVED

That planning Application No CB/12/10329/RM relating to land off of Chapel Close, Clifton be approved as set out in the Schedule appended to these Minutes.

DM/12/228 **Planning Application No. CB/12/01510/FULL**

RESOLVED

That Planning Application No. CB/12/0151/FULL relating to 2-6 High Street, Biggleswade be approved as set out in the Schedule appended to these Minutes.

DM/12/229 **Planning Application No. CB/12/01511/LB**

RESOLVED

That Planning Application No. CB/12/01511/LB relating to 2-6 High Street, Biggleswade be approved as set out in the Schedule appended to these Minutes.

DM/12/230 **Planning Application No. CB/12/1007/FULL**

RESOLVED

That Planning Application No. CB/12/1007/FULL relating to and at 3 Olivers Lane, Stotfold be approved as set out in the Schedule appended to these Minutes.

DM/12/231 **Site Inspection Appointment(s)**

RESOLVED

That the following Members be appointed to conduct Site Inspections to be undertaken in advance of the next meeting of this Committee to be held on Thursday 12 July 2012;

Chairman (or his Nominee)
Vice Chairman (or his Nominee)

Cllrs: P N Aldis
D Bowater
P Vickers

(Note: The meeting commenced at 10.00 a.m. and concluded at 4.28 p.m.)

Chairman …….…….

Dated …….

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE

Item 7 (Pages 17-43) CB/12/01255/FULL – Demolition of existing house, outbuildings and boundary wall and redevelopment of site with 12 houses and 1 flat and all ancillary works and reconstruction of boundary wall to No.51 North Street, on land rear of Almshouses, 53 North Street, Leighton Buzzard.

Amended paragraph 4 on page 18 under heading "The Application"

This application seeks to overcome the reasons for refusal by reducing the number of dwellings on the site which in turn provides additional space to increase the level of parking and rear amenity space. The application is accompanied by a legal agreement offering a financial contribution towards education.

7. Section 106 Requirements – pages 32 & 33

Information has been submitted to the Council's Housing Strategy Team seeking to demonstrate that the development would be unviable if the full contribution of £136,085.52 is sought. The figures have been accepted and the recommendation is that the scheme remains unviable with any level of contribution. The applicant is however offering a contribution of £40,315 towards Council services.

Additional Consultation/Publicity Responses

None to report

Additional Conditions

None

Additional Informatives

None

Item 10 (Page65-81) – CB/11/03933/FULL – Land at Vimy Road, Linslade, Leighton Buzzard, LU7 1ER

Additional Consultation/Publicity Responses
One local resident queried why the issue of the substandard access should be dealt with in a section 106 Agreement and not in a planning condition. Concerns have therefore been raised regarding the conflict that would likely arise in sharing the access between local residents and construction vehicles.

A response was given pointing out that the Section 106 route is far preferable and stronger to deal with any problems regarding provision of the adequate access and has been recommended by our Solicitor and also accepted in principle by the developers. Thus, the access will have to be done before the developer starts building the new flats.

Furthermore, Conditions 17,18 and 19 specifically address this matter .

Item 11 (Page 85-107) – CB/12/01650 – Former Dunstable Fire Station, Brewers Hill Road, Dunstable, LU6 1AA

Additional Consultation/Publicity Responses

1. Dunstable Town Council – No objection

Additional Comments

Highways Officer

With regards financial contributions towards sustainable transport measures, the amount could range between £50 and £200 per square metre (approximately £10k to £102k) and works could include the re-construction of the entire footway/cycleway (3m wide).

Additional Conditions

- Before the first occupation of the buildings hereby approved, details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall thereafter be implemented and retained as such unless amendments are agreed in writing by the Local Planning Authority.
  Reason : In the interest of visual amenity
  (Policy BE8, S.B.L.P.R)

***Item 12 – CB/12/01299/ALT* – Victoria Allotments, West Street, Dunstable, Beds**

Additional Consultation Response
Leisure Services – Recreation Open Space (11/6/12)

The South Bedfordshire Local Plan Review identifies that there is a shortfall in the number and total amount of all urban open space in Dunstable at the time of writing. Open space is both Formal i.e. playing pitches and Informal i.e. amenity type space. It does not however, specifically mention allotments as part of open space, but it indicates the need for the creation and improvement of spaces to address the shortfall.

With regard to the safeguarding of open space against development for non open recreational purposes, Policy R12 specifically included allotment gardens.

We have no current data on allotment provision or requirements although the Leisure Strategy scope includes allotments, but in general terms policy indicates that allotments should not be lost to non-open recreational development.

To translate this into the site's use for cemetery land, it would be difficult to say if this could be deemed as 'open-recreational use'.

Town Council (21/6/12)

No objection.

Item 13 (Page 119 - 140) – CB/12/00718/VOC – The Marston Vale Millennium Country Park, Station Road, Marston Moretaine

Additional Consultation/Publicity Responses

None

Additional Comments

Additional comments have been received from the Noise Consultant on behalf of the applicant.

Additional/Amended Reasons

None

Item 14 (Page 141-169) – CB/12/01125/FULL – Bridge Farm, Ivel Road, Shefford

Additional Consultation/Publicity Responses
A petition has been received signed by over 200 residents stating:
Having viewed the proposals and plans for the above application we are opposed to the following aspects of the development:

1. *Shefford's infrastructure will not support a new community of this size*
2. *Public safety concerns*
3. *Environmental issues*
4. *Access to new development*
5. *Commercial area*

Four further letters of objection received raising the following points:

- After heavy rain the road floods
- Sky larks are nesting in the field and will be disturbed by the works
- 122 Ivel Road is dominated by plot 7, which is 1.27 metres higher
- 132 Ivel Road is dominated by plot 11, which is 1.43 metres higher
- Queries whether enough room for hedgerow to remain in place
- Asks for extra wide pavements on Ivel Road and houses to be built below the level of the road
- Concerns regarding the privacy and overshadowing of houses on Ivel Road
- Plots 25,26 and 27 directly back onto Queen Elizabeth Close, why put such high density running in parallel
- A claim will not now be made for a footpath at Bridge Farm

Two letters received from agents acting on behalf of adjacent landowners are attached.

Anglian Water – Wastewater treatment - foul drainage for this development is in the catchment of Clifton STW that at present has capacity for these flows. The sewerage system also has capacity for the development. The preferred method of surface water disposal would be to a sustainable drainage system.

Bedfordshire Rural Communities Charity – Requests contributions towards policy CS17 of CBC's Core Strategy, Green Infrastructure through the Planning Obligations Strategy, and towards BRCC towards the Aims and Objectives of the Ivel and Ouse Countryside Project. Welcomes the acknowledgement of the potential for good cycling and walking links in the vicinity of the development. Encourages the developer to seek a net gain for biodiversity through:

- The appropriate management of the existing trees and hedges
- The use of native flower, tree and shrub planting in landscaping, particularly along the boundaries with open fields and in the attenuation areas
- Fulfilling the intention to erect bird and bat boxes both in existing trees and on new buildings

Additional Comments
None

Amended Conditions

There is a need to delete condition 27 as it repeats the requirements of condition 25.

In order to control the levels of the development, a new condition 27 will be required as follows:

No development shall commence until details of the final ground and slab levels of the buildings 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.

Item 15 (Page 171-191) – CB/12/01123/OUT – Bridge Farm, Ivel Road, Shefford

Additional Consultation/Publicity Responses
Two further letters of objection received raising the following points:

- Roads already too busy at peak times, and pavements too narrow putting safety of pedestrians at risk
- Water and sewerage are already at capacity and sewage is regularly pumped into tankers at the bottom of Ivel Road.
- Road already floods when it rains hard
- Noise and pollution will increase
- Changes to the roundabout should be put in place first

One letter received from an agent acting on behalf of an adjacent landowner is attached and also relates to item 14.

IDB – No further comments

Anglian Water – Wastewater treatment - foul drainage for this development is in the catchment of Clifton STW that at present has capacity for these flows. The sewerage system also has capacity for the development. The preferred method of surface water disposal would be to a sustainable drainage system. Recommends notes sent to the applicant in terms of trade effluent.

Additional Comments
None

Additional/Amended Conditions/Reasons
None

Item 16 (Page 193-199) – CB/12/00938/FULL –Shefford Lower School, Bloomfield Drive, Shefford

Additional Consultation/Publicity Responses

Two letters received from nearby residents objecting to the proposal on the following grounds:

- Concerned that the development will lead to an increase of vehicle traffic in surrounding streets by a similar percentage to the increase in places i.e. 50% more cars attempting to park nearby
- Increased parking in Ampthill Road leading to highway safety dangers
- Suggests modifications and a number of options come to mind, drop off zone in School Lane, widening of Bloomfield Drive, widening of Campton road with safe turning area, new zebra crossing on Ampthill Road adjacent to School Lane, and a new access road to the school.
- Hope the Highways Department has a safety policy/traffic plan in place regarding the increase in traffic on School Lane
- Extra traffic and parking has not been considered, safety of children is of paramount importance
- Traffic and parking is chaotic at present, visitors often park all day in School Lane
- Statement regarding spare capacity is misleading as existing spaces are always full
- Should be alternative access
- Would like to see residents parking only and permits in place for School Lane

Additional Comments
None

Additional Conditions
Before the extensions are first occupied, an update to the School Travel Plan (to include Acorn Pre-School and Children's Centre) to take into account the impact of the development hereby approved, shall be submitted to and approved by the Local Planning Authority. The plan shall contain details of:

- Plans for the establishment of a working group involving the school, the pre-school, and Children's Centre, parents and representatives of the local community
- Pupil travel patters and barriers to sustainable travel
- Measure to reduce car use
- A car park management policy
- An action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review for 5 years

The travel plan shall be implemented as approved, and there shall be an annual review of the Travel Plan (for a period of five years from the date of approval of the plan) to monitor progress in meeting the targets for reducing car journeys generated by the proposal.

Reason: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport.

No development shall commence until details of the provision of additional cycle parking at the site has been submitted to and approved by the local planning authority. The cycle parking shall be provided as approved prior to the occupation of the buildings hereby permitted.

Reason: To reduce congestion and to promote the use of sustainable modes of transport.

Note to applicant: The applicant is advised that further information regarding the updating of the School Travel Plan is available from the Sustainable Transport Team, Central Bedfordshire Council, Technology House, Bedford MK42 9BD.

None

Item 17 (Page 193-199) – CB/12/00938/FULL –Shefford Lower School, Bloomfield Drive, Shefford

Additional Consultation/Publicity Responses

Two letters received from nearby residents objecting to the proposal on the following grounds:

- Concerned that the development will lead to an increase of vehicle traffic in surrounding streets by a similar percentage to the increase in places i.e. 50% more cars attempting to park nearby
- Increased parking in Ampthill Road leading to highway safety dangers
- Suggests modifications and a number of options come to mind, drop off zone in School Lane, widening of Bloomfield Drive, widening of Campton road with safe turning area, new zebra crossing on Ampthill Road adjacent to School Lane, and a new access road to the school.
- Hope the Highways Department has a safety policy/traffic plan in place regarding the increase in traffic on School Lane
- Extra traffic and parking has not been considered, safety of children is of paramount importance
- Traffic and parking is chaotic at present, visitors often park all day in School Lane
- Statement regarding spare capacity is misleading as existing spaces are always full
- Should be alternative access

- Would like to see residents parking only and permits in place for School Lane

Additional Comments
None

Additional Conditions
Before the extensions are first occupied, an update to the School Travel Plan (to include Acorn Pre-School and Children's Centre) to take into account the impact of the development hereby approved, shall be submitted to and approved by the Local Planning Authority. The plan shall contain details of:

- Plans for the establishment of a working group involving the school, the pre-school, and Children's Centre, parents and representatives of the local community
- Pupil travel patters and barriers to sustainable travel
- Measure to reduce car use
- A car park management policy
- An action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review for 5 years

The travel plan shall be implemented as approved, and there shall be an annual review of the Travel Plan (for a period of five years from the date of approval of the plan) to monitor progress in meeting the targets for reducing car journeys generated by the proposal.

Reason: In the interests of highway safety, to reduce congestion and to promote the use of sustainable modes of transport.

No development shall commence until details of the provision of additional cycle parking at the site has been submitted to and approved by the local planning authority. The cycle parking shall be provided as approved prior to the occupation of the buildings hereby permitted.

Reason: To reduce congestion and to promote the use of sustainable modes of transport.

Note to applicant: The applicant is advised that further information regarding the updating of the School Travel Plan is available from the Sustainable Transport Team, Central Bedfordshire Council, Technology House, Bedford MK42 9BD.

None

Item 18 (Pages 219-224) – CB/12/00925/LB – 10 Market Square, Potton

Additional Representations:

Two letters have been received from the occupiers of neighbouring properties since the Officer's report was completed. One letter of objection has been received from No. 2 Orchard Close on the following grounds:

- The sign is not inkeeping with the character and appearance of the surrounding area, entrance into Orchard Close or conservation area
- The residents of Orchard Close have been restricted from having a street sign at this location which would be helpful for directional purposes
- Orchard Close is a private road and all access is through the arch, which means passing the sign at every entrance and exit

The author of this letter wishes to declare that they are a local Councillor and Chairman of the Potton Town Plan.

One letter has been received from No. 1 Orchard Close which states that there is no objection to the proposal, commenting specifically:

- The archway has previously had advertisement signs erected within it
- It seems only fair and appropriate that the small business premises of Amethyst, which is someone's livelihood, should be allowed some kind of indication as to where it is situated
- The sign is not obtrusive, it is small and tastefully designed
- Concentration should solely be given over to watching for pedestrians and manoeuvring around parked vehicles in order to get onto the road, rather than looking at the sign during each entrance and exit through the courtyard

One email has been received and it is stated that this is on behalf of the residents of Orchard Close, objecting to the proposal on the following grounds:

- The sign has been erected without any consent
- The sign is not inkeeping with the conservation area
- The residents of Orchard Close have been restricted from having a street sign at this location which would be helpful for directional purposes
- Orchard Close is a private road and all access is through the arch, which means passing the sign at every entrance and exit

Potton Town Council have confirmed the reason for objecting to the proposal:

- The sign is in a conservation area and on a listed building, and is not inkeeping with the area.

There are no further updates.

Item 19 (Pages 225-230) – CB/12/00356/ADV – 10 Market Square, Potton

Additional Representations:

Two letters have been received from the occupiers of neighbouring properties since the Officer's report was completed. One letter of objection has been received from No. 2 Orchard Close on the following grounds:

- The sign is not inkeeping with the character and appearance of the surrounding area, entrance into Orchard Close or conservation area
- The residents of Orchard Close have been restricted from having a street sign at this location which would be helpful for directional purposes
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One email has been received and it is stated that this is on behalf of the residents of Orchard Close, objecting to the proposal on the following grounds:

- The sign has been erected without any consent
- The sign is not inkeeping with the conservation area
- The residents of Orchard Close have been restricted from having a street sign at this location which would be helpful for directional purposes
- Orchard Close is a private road and all access is through the arch, which means passing the sign at every entrance and exit

Potton Town Council have confirmed the reason for objecting to the proposal:

- The sign is in a conservation area and on a listed building, and is not inkeeping with the area.

There are no further updates.

Item 23 – CB/12/01329/RM – Land at Chapel Close, Clifton

Additional responses have been received from occupiers at 49 Pedley Lane and 7 Spring Road that reinforce objections to the development outlined in the committee report.

In addition, the following response has been received:

45 Pedley Lane	• A rear facing dormer window at Plot 3 will reduce privacy for neighbours. • It is acknowledged that site levels will be assessed via a condition attached to the outline consent at the site.

Item 24 – CB/12/01510/FULL – 2-6 High Street, Biggleswade

A representation has been received in support of the application containing the signatures of 589 people.

The following comments have been received from St Andrew's Church:

- Pedestrians using the north access door would disrupt church activities
- There could be safety problems because cars associated with the church turn in the area to the north of the building
- The two parking spaces in front of the church would not be available for customers at the site
- Noise from the yoga and exersize rooms could disturb people using the church grounds
- There would be a lack of privacy for people using the church grounds
- There could be problems with smells and steam
- Consideration needs to be given the wildlife and trees within the church grounds
- No agreement has been reached with the church in respect of site levels
- Construction would be difficult because of the confined site

An additional letter has been circulated to Members that reinforces the church's objection to the development.

In response to some of the church's concerns relating to noise and disturbance, additional planning conditions are recommended. As a result, the recommended planning conditions for this application are now:

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 extraction vents shall be installed in to any external wall unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect the appearance of the site and to control noise and odours.

3 The bin storage area shown on drawing number 12-752-P-05 shall be provided before the commencement of the A3 use at the site and shall be permanently retained thereafter.

Reason: To ensure that waste and recycling is properly stored and collected.

4 The uses hereby approved shall not operate except between the hours of 0730 to 2100 on Mondays to Saturdays and 0830 to 1800 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of neighbouring buildings and uses.

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 141 of the *National Planning Policy Framework*.

6 **A scheme for sound insulation shall be submitted to and approved by the Local Planning Authority to ensure that noise & vibration from the hereby permitted commercial uses is not to the detriment of future occupiers of the residential units in the building. The scheme approved by the Local Planning Authority in writing shall be fully implemented in accordance with the approved details before the uses, the subject of this consent, commence. The works and scheme shall thereafter be maintained in accordance with the approved details.**

Reason: To protect the amenity of future occupiers of the development.

7 Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: To protect neighbouring amenity.

8 **Equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the commercial food use continues. Full details of the method of odour abatement and all odour abatement equipment to be used, including predicted noise levels of the equipment in operation, shall be submitted to and approved by the Local Planning Authority prior to the installation of the equipment. The approved equipment shall be installed as approved prior to the use hereby permitted commencing.**

Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of residents.

9 **The kitchen ventilation system approved in accordance with condition 8 above, shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if it has distinguishable characteristics or there is a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling.**

Reason: To protect residents from any adverse impact from noise arising from the kitchen extract ventilation system.

10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [12-752-P-01, 02, 03, 04, 15, 06, 07 and 12-752-BR-10].

Reason: For the avoidance of doubt.

A ward Councillor has requested that limit on sound levels created by the proposed uses is controlled because of the sensitive nature of the church grounds to the west and a condition has been recommended to that effect. It has also been requested that a condition be added managing a parking agreement between the church and the site. Because the parking spaces to the north are outside of the applicant's control, any such condition would not meet the tests of Circular 11/95 and would not be appropriate. Notwithstanding that, public parking would be available for future users off site in this town centre location.

Item 26 – CB/12/01007/FULL – Land at 3 Olivers Lane, Stotfold.

Attached copy of Appeal Decision as mentioned in Committee Report.

Application: CB/12/00718/VOC

Location: The Marston Vale Millennium Country Park, Station Road, Marston Moretaine, Bedford, MK43 0PR

Proposal: Variation of Condition: removal of condition 9 (refers to noise levels) of planning permission CB/11/04077/FULL (Erection of a wind turbine, up to 120.5 metres in height, and ancillary infrastructure)

Supporting statement on Amplitude Modulation

Prepared by Stephen Arnott BSc(Hon) MSc MIOA
Principle Associate Consultant with TNEI Services Limited,
on behalf of Blue Energy Marston Vale Ltd

1 INTRODUCTION

1.1 TNEI Services Limited (TNEI) have been appointed by Blue Energy Marston Vale Limited to provide technical support in respect of Application CB/12/00718/VOC. TNEI specialise in the planning and development of renewables, predominantly wind energy, and provide support and advice to both developers and public sector clients.

1.2 I hold the degree of Bachelor of Science in Environmental Sciences, a Diploma in Acoustics and Noise Control and a Diploma in Environmental Health, together with a Master of Science degree in Applied Acoustics. I have been involved with noise measurement and assessment since 1981 and have been a member of the UK Institute of Acoustics since 1987. I regularly attend both national and international conferences on acoustics topics, including wind farm noise, as part of my continuing professional development.

1.3 As a professional acoustician I am involved with the measurement, prediction and assessment of all types of community, workplace and environmental noise, and appear as an expert witness at public inquiry. My practical experience was gained initially during 10 years in the public sector working as an Environmental Health Officer (EHO) and for the last 20 years working within the private sector. I have experience of drafting and reviewing noise conditions related to the control of operational noise, including Other Amplitude Modulation (OAM). I will discuss the merit of such conditions within this statement.

1.4 In preparing this statement TNEI have considered:

- The noise assessment prepared by AMEC dated April 2010;
- The report by MAS Environmental MASRepMMEAMCondnMay2012;
- The Planning Officers Report (Agenda item 13 Pages 119-140);
- Supporting letter by Eversheds dated 12 February 2012; and
- Site specific wind data.

2 What is amplitude modulation?

2.1 When used in the context of wind turbine noise amplitude modulation describes a variation in noise level over time; for example observers may describe a 'whoosh whoosh' sound which can be heard close to a wind turbine.

2.2 Amplitude Modulation is a frequent cause for concern raised by both opposition groups and occasionally Environmental Protection Officers. This phenomenon of amplitude modulation was recognised in ETSU-R-97 (p68):

'The modulation or rhythmic swish emitted by wind turbines has been considered by some to have a characteristic that is irregular enough to attract attention. The level and depth of modulation of the blade noise is, to a degree, turbine-dependent and is dependent upon the position of the observer. Some wind turbines emit a greater level of modulation of the blade noise than others. Therefore, although some wind turbines might be considered to have a character that may attract one's attention, others have noise characteristics which are considerably less intrusive and unlikely to attract one's attention and be subject to any penalty.'

2.3 By way of distinction I would term the AM discussed with the ETSU-R-97 and expected at most wind farms 'Normal Amplitude Modulation' (NAM). The noise assessment and rating procedure detailed in ETSU-R-97 fully takes into account the presence of this intrinsic level of NAM when setting acceptable noise limits for wind farms. Whilst NAM is not given a specific definition within ETSU-R-97 it has been suggested that at some operational wind farms Other Amplitude Modulation (beyond that anticipated within ETSU-R-97) has occurred, I shall refer to this feature of wind turbine noise as OAM.

2.4 The causes are not fully understood and consequently there is no agreed methodology that can be applied to predict OAM. The term OAM is increasingly used to describe an unusual feature of aerodynamic noise from wind turbines, where a greater than normal degree of regular fluctuation in sound level occurs at blade passing frequency, typically once per second. In 2008 Bowdler[1] reviewed available literature and conference papers on amplitude modulation and described the observed noise characteristics including directivity. At that time only speculative mechanisms for generation were described.

2.5 In a recent publication van den Berg notes[2] that even now few measurement results have been published in scientific journals and in describing possible causes he suggests several mechanisms my be operating, both in terms of noise generation and propagation. Although van den Berg is attributed with first

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[1] *Bowdler, R 'Amplitude Modulation of wind turbine noise', Acoustics Bulletin, pp31-35,July/Aug 2008*

[2] *Bowdler, R., Leventhall, G. (Ed), Wind Turbine Noise, Chapter 5, Multi Science Publishing Limited, Essex 2011*

observing high night time shear conditions resulting in higher turbine noise levels, he now suggests this in itself may not be enough to result in enhanced levels of AM, but postulates that the ground level wind that generates background noise may be too low to mask the normal AM, thus making it more audible. He acknowledges this is pure speculation. He has shown, in theory, that changes in wind speed seen by the blade tip at top and bottom of its range for tall turbines can result in periodic variations in sound power level, also that periodicity (the variation in turbines moving into and out of synchronization) can occur frequently under stable atmospheric conditions. This latter mechanism is not relevant to single turbines.

2.6 MAS state (paragraph 1.39) that there is a significant risk of amplitude modulation that requires control in this case and that a 3dB peak to trough level allows an adverse impact, noting it is not a cut off point but a significant intrusion. Clearly ETSU-R-97 anticipated variations of 3dB and deemed it acceptable. The application of ETSU-R-97 is endorsed by national policy, specifically NPS EN-1[3] identifies [Section 5.11.4] key issues to be addressed by an ES noise assessment, referring to further guidance on renewables in EN-3[4] which in turn provides explicit support for the use of ETSU-R-97 [para 2.7.56]. Should the Local Authority choose to embrace the MAS viewpoint this would clearly be at odds with national policy, which deems the impacts identified within ETSU-R-97 as acceptable.

2.7 In 2005 consultancy Hayes McKenzie Partnership were commissioned by the DTI to investigate reports of low frequency noise emissions from wind farms. Their report[5] concluded that the complaints were not in fact caused by low frequency noise, but by amplitude modulation of aerodynamic noise from the wind turbines. They noted:

'the presence of aerodynamic modulation which is greater than that originally foreseen by the authors of ETSU-R-97, particularly during the night hours, can result in internal wind farm noise levels which are audible and which may provoke an adverse reaction from a listener. This may take the form of increased time in returning to sleep for an occupant, although noise associated with the wind farms was not found to awaken the occupant.'

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[3] *Overarching National Policy Statement for Energy (EN-1)*, DECC July 2011

[4] *National Policy Statement for Renewable Energy Infrastructure (EN-3)*, DECC July 2011

[5] *'The Measurement of Low Frequency Noise at Three UK Wind Farms'* URN No: 06/1412, Berr, 2006

2.8 In response, the Government commissioned a further independent report to ascertain the prevalence of OAM on UK wind farm sites, to try to gain a better understanding of the likely causes, and to establish whether further research into OAM is required. That study[6], undertaken by the Acoustics Research Centre of Salford University in conjunction with Hayes McKenzie Partnership, was carried out in four parts:

- A survey of Local Authorities with wind farms in their areas;
- Further investigation of sites for which AM was identified as a factor;
- A literature review; and
- A survey of wind turbine manufacturers.

2.9 The questionnaires asked the Local Authority staff to select from a series of subjective terms to describe the noise complaints they had received. Multiple descriptions were possible for any complaint. The results showed that 27 of the 133 wind farm sites operational across the UK at the time of the survey had attracted noise complaints at some point. OAM was considered to be a factor in just four of those sites, and a possible factor in another eight. This range of figures was due in part to the ambiguity of the descriptions used. No effort was made to characterise the noise associated with any complaint using objective parameters.

2.10 Regarding the four sites, the authors noted that analysis of meteorological data suggests that the conditions for OAM would prevail between about 7% and 15% of the time. OAM would not therefore be present most days, although it could occur for several days running over some periods. The report noted that subsequently complaints had subsided at three out of these four sites, in one case as a result of remedial treatment in the form of a wind turbine control system.

2.11 The report did not identify a cause for OAM, but did make useful observations which add to our broader understanding of this phenomenon such as (page 39):

'Measurements of wind farm noise at sites in the UK indicate that where a wind farm has periods of increased AM, these are not necessarily related to periods of high wind shear'.

2.12 This seems to be at odds with the findings suggested by MAS, where wind shear is cited as a key feature. TNEI has reviewed the site specific data on wind and the shear values observed are not unusual. These are summarised in Table 2.1 whilst further details on the analysis performed in provided in Appendix 1.

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[6] '*Research into Aerodynamic Modulation of Wind Turbine Noise: Final report*', July 2007, Contract no NANR233

Table 2.1 Site specific shear values

	Quiet daytime (as described in ETSU-R-97)	Night time (as described in ETSU-R-97)
Shear value	**0.26**	**0.28**

2.13 Following release of the Salford Report a statement[7] released by the Department for Business Enterprise and Regulatory reform (BERR) stated:

'Based on these findings, Government does not consider there to be a compelling case for further work into AM and will not carry out any further research at this time; however it will continue to keep the issue under review.'

2.14 No further work was undertaken. Following a successful Freedom Of Information request for the raw data, the original questionnaire responses were reviewed by others. Their reinterpretation of the original data suggested the incidence of OAM was higher, perhaps between 10%-16%. To my knowledge, none of the Local Authorities who originally provided responses were asked to clarify either their responses or their practical experience of OAM and no new questionnaires were prepared and circulated. No additional sites or new sites commencing operations since the original survey were considered, so any percentages expressed reflect only the original 144 sites. Questionnaires are difficult to construct, but any flaws inherent in the original study, due to lack of clarity either in the questions posed or the responses given, could not in my view be addressed by simply reinterpreting them.

2.15 There was no further response from any government department and to my knowledge there have been no further surveys of this nature. The Government response, which effectively gave very low priority to the issue of AM, was noted at the recent Langford inquiry (APP/P0240/A/11/2150950 19 Jan 2012), where Inspector Robin Brooks observed:

'56. However, although the Council's acoustic witness [Mr Stigwood of MAS] contended that there was general acceptance that EAM occurred at 10-16% of wind farms nationally, no cogent evidence was advanced to support that figure. A study by the University of Salford in 2007 considered that AM could be a factor in 4 of the 133 wind farms then operational in the UK and a possible factor in another 8. It concluded that the incidence of AM in the UK was low. Even taking account of the Council's acoustics witness' criticism that the study may have underestimated the incidence of the phenomenon, and his assessments at certain wind farm sites, there is no real challenge to that conclusion.

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[7] *Government statement on the findings of the Salford University report into Aerodynamic Modulation of Wind Turbine Noise*, Department for Business, Enterprise and Regulatory Reform, July 2007. URN 07/1276

Importantly too the Government have seen no reason to change advice in PPS22 on using the ETSU methodology in response to the Salford report.'

3 The need for a condition

3.1 The Application seeks to remove Condition 9 of the planning permission CB/11/04077/FULL relating to Excess Amplitude Modulation. The Planning Officers report details the condition (pages 126-128) and for brevity there is no need to repeat that here.

3.2 I can state at the outset that I consider the Planning Officers report to be balanced and fairly comprehensive and I agree with the recommendation made.

3.3 MAS state (para 1.1):

'The question is, is there a foreseeable risk of this impact and can that risk be controlled by a condition". Historically this has always equated with the requirement that a condition is "necessary".'

3.4 The historical context is not relevant, the appropriate guidance can be found in Circular 11/95. That guidance[8] is extant and the principles it embodies are reiterated in the recently published National Planning Policy Framework.

3.5 MAS helpfully cite the recent Inspectors decision at Woolley Hill (APP/H0520/A/11/2158702), where at paragraphs 192 & 193 he stated:

'Whether or not an excess amplitude modulation condition would be necessary or precautionary is a matter of fine balance as the possibility of occurrence, or absence, cannot be gauged. In this particular case, the clamour for a condition is largely based on the experience of limited, largely unexplained, problems elsewhere; the doubts cast on the Salford study; and the example of Den Brook where an Inspector imposed two conditions relating to 'greater than expected amplitude modulation immissions'. The shortcomings of the statutory nuisance process are also a factor.'

3.6 However, none of these aspects, compounded by the lack of understanding on excess amplitude modulation, provide good reason for the imposition of a condition as a matter of routine or precaution. To my mind, on the basis of the evidence before me, the test of necessity has not been fully met.

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[8] Circular 11/95: Use of conditions in planning permission (para 15), DCLG, May 2006

3.7 Exactly the same situation has now arisen at Marston Vale, the evidence to support a condition relying upon limited and still largely unexplained occasional occurrences at a few other sites. MAS have provided no site specific evidence to support their claims of a higher than remote risk of OAM at this site.

3.8 Throughout the UK there are currently 342 operational windfarms[9] ranging in size from single turbines such as the one proposed here to the largest site at Whitelee, Eaglesham Moor in Scotland with 140 turbines.

3.9 At paragraph 1.11 MAS express the view that 20-25% of windfarms exhibit OAM. That would equate to 85 wind farms exhibiting OAM and I can find no evidence to support this claim, either in documentation produced by MAS or elsewhere. If there is such evidence available I would question why MAS did not present this at the Langford inquiry.

3.10 My understanding of planning conditions, as an Acoustician rather than a Planner, is that any condition should be site specific, based upon necessity and determined by the facts of a particular case. Planning conditions must be necessary. The guidance provided is clear, the argument that a condition will do no harm is no justification for its imposition; no substantive, site specific evidence has been presented here to indicate a higher than usual remote risk of OAM and conditions should not be imposed unless there is a specific need for them. This same argument was put to Inspector Griffiths at Low Spinney (paragraphs 82 & 83 APP/F2415/A/09/2109745) during the conditions session who declined to impose an OAM condition. That site was subsequently built and now operates, as anticipated, without incident.

3.11 MAS seem to be suggesting in paragraph 1.14 and 1.21 that the case for necessity has already been demonstrated and all that remains is to consider the sufficiency of the metric that they, and they alone, propose. That in my view is not the case.

3.12 Here at Marston Vale the Local Authority have imposed an OAM condition on the recommendations of MAS, despite the absence of any evidence or specific circumstances suggesting more than a reasonable likelihood of OAM. In my experience this is most unusual, I am aware of only two other sites where this has occurred.

3.13 The issue of necessity has been considered at numerous public inquiries. I have reviewed a number of decisions from the last two and a half years, to help put the OAM question into context and to demonstrate that OAM conditions have not been considered necessary at any Inquiry since Swinford and Den Brook.

3.14 At Swinford (Dec 2009 APP/F2415/A/09/2096369), the Secretary of State imposed (para 24) a subjective OAM condition, which had been agreed between the parties. Then again in that same month, at the second Den Brook Inquiry (Dec 2009 APP/Q1153/A/06/2017162), Inspector Pykett imposed a condition, noting

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[9] RenewableUK website http://www.bwea.com/ukwed/index.asp (last accessed 19/6/2012)

that the factors he identified from the evidence given were largely based on anecdotal evidence; two and a half years on and the situation is still much the same, although a number of prominent researchers are investigating the phenomenon. These two appeal decisions stand at odds, both with the earlier decisions up to that point and with subsequent decisions, such as Sober Hill (Feb 2010 APP/E2001/A/09/2101421), Low Spinney (29 March 2010 APP/F2415/A/09/2109745) and Wryde Croft (APP/J0540/A/08/2090541).

3.15 The issue for potential OAM has been debated extensively at Inquiry across the UK, consuming significant amounts of inquiry time without any real benefit. At Cotton Farm (APP/H0520/A/09/2119385, 14 December 2010) Inspector Martin Pike (para 87) reviewed evidence from MAS on behalf of the local opposition group, who suggested that several factors pointed to an increased risk of OAM and proposed a precautionary approach. In allowing the appeal the Inspector stated:

'89. Given the small number of sites where excess AM has been proven, statistically the odds are very much against it being a problem at Cotton Farm. I appreciate that some similarity with problem sites (such as Deeping St Nicholas) might be argued to reduce the odds somewhat, but not to the extent that it can reasonably be regarded as a distinct possibility, let alone a probability, in my view. Thus I find no compelling evidence that warrants an approach to AM in this case which differs from that taken in ETSU-R-97. In these circumstances I do not believe that the suggested condition satisfies the test of necessity, even on a precautionary basis.'

3.16 That was one of the earlier inquiries where evidence put forward by MAS failed to satisfy the Inspector. Since then at inquiries where I have personally been involved an OAM condition has been proposed by opposition groups but rejected consistently e.g. Westnewton (6 May 2011 APP/G0908/A/10/2132949), Burnthouse (6 July 2011 APP/D0515/A/10/2131194) and at Spaldington (APP/E2001/A/10/2137617 29 September 2011) where Inspector Baird found the condition proposed by MAS on behalf of the opposition group, based upon the Den Brook condition, failed the tests of Circular 11/95.

3.17 Similar conditions have more recently been rejected at Kirkharle (APP/P2935/A/10/2136112, 4 Nov 2011) both by the Local Authority and by Inspector David Rose who concluded that the proposed condition failed the test of necessity, was unenforceable, imprecise and unreasonable (para 106 to 111). Again at Langford (APP/P0240/A/11/2150950 19 Jan 2012) where Inspector Robin Brooks said (para 58) he was unconvinced there was a real possibility of amplitude modulation at the site and expressed concern over the enforceability of the proposed condition.

3.18 Most recently at the Woolley Hill appeal (APP/H0520/A/11/2158702 23 March 2012), in response to requests for a condition by the opposition group Inspector Rose demonstrated he had comprehensively assessed both the need for and lawfulness of an OAM condition. He concluded that such a condition was not necessary and would fail the tests set out in Circular 11/95. He stated:

'202. Overall, without an agreed robust methodology for measuring

excess amplitude modulation, based on convincing research, it would be unreasonable to impose a condition on such an uncertain basis.

203. In conclusion, despite the findings of the Inspector in the Den Brook case, the evidence presented to me does not provide convincing justification that an excess amplitude modulation condition would be necessary. In addition, such a condition, if imposed, would be unreasonable given the current limited knowledge and understanding of excess amplitude modulation and a lack of consensus beyond the guidance of ETSU-R-97.'

3.19 I agree with the detailed analysis given by Inspector Rose in this decision letter and see no reason to depart from his findings in this case.

3.20 All of the appeal decisions I have reviewed from both the Secretary of State and the Planning Inspectorate since Den Brook have not included an OAM condition, despite the enthusiastic promotion of such conditions by MAS on behalf of both Councils and third party objectors.

4 The suitability of the metric proposed by MAS

4.1 Since an OAM condition was imposed at Den Brook, discussions surrounding its limitations, suitability and wording have been a feature of many wind farm inquiries. Proponents including MAS naturally point to the Court of Appeal decision[10] as validation of such conditions, but fail to consider the limitations of that judgement; it focussed primarily on the construction of the specific wording of Conditions 20 and 21, where they were criticised for being difficult to interpret and opaque. Most importantly we must note that the Court was not asked to consider the science of OAM and was not deciding on the need for an OAM condition in any general way. Successive variants of the OAM condition have endeavoured to overcome some of the concerns identified at Den Brook.

4.2 My principal technical concerns with the condition is that it has not been developed in a scientific way. The essential characteristics said to represent OAM are defined typically in sub paragraphs of the condition. Each of these is based upon arbitrary numbers, such as a 3dB change, a 2 second period, 5 times in one minute, fewer than 6 minutes in an hour, not less than 28dB; none of these is based upon any peer reviewed evidence published in a recognised journal or debated by the wider acoustics community. The psycho-acoustic basis for their choice is untested. This was recognised in the AECOM report[11] (p21):

'It is suggested that the above method, whilst not simple or easy to implement, may provide a starting point in trying to quantify AM by direct measurement, although it does not represent a validated method of assessing the significance of any impact or effect on amenity, and does not constitute a threshold for Statutory Nuisance.'

4.3 At the Spaldington Inquiry (APP/E2001/A/10/2137617) I was able to satisfy Inspector Baird that these criteria could be met by birdsong I had recorded in my garden, which most people find to be innocuous, and he (para 81) subsequently found the condition failed the tests of Circular 11/95.

4.4 Others have also highlighted the failings of the condition. A recent article[12] by Dr Jeremy Bass of RES presented a detailed study they conducted on the application of the 'Den Brook' condition (which was their scheme). They took 184 hours of measurements at their proposed Turncole[13] Wind Farm in Essex. Detailed analysis indicated that 41% of the measurements failed the 2 second criteria, 72% failed the 1 minute criteria and 92% failed the 1 hour criteria. This suggests that the site comprehensively failed the conditions, yet there are no wind turbines and no OAM, just rural background noise. At the IOA Wind Turbine conference in Cardiff 25th January 2012, Dr Bass stated he had revised these figures slightly due to errors in the original data processing but this has not altered the overall result. It is evident that the Den Brook style of condition, as drafted and presented albeit

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[10] [2011] EWCA Civ 638 Hulme v Sec State for Comms and Local Govt & Ors , para 31

[11] Wind farm Noise statutory Nuisance Complaint methodology, Defra Contract NANR277, AECOM, April 2011

with subtle amendments in this case, is not robust or reliable and cannot be considered fit for purpose. MAS suggest (paragraph 1.23) that concern over false positives are simply red herrings. I cannot share that view.

4.5 As Dr Bass points out, there are no references to the testing of the method, nor is the basis of the underlying method given.

4.6 The Renewable Energy Foundation recently published a web article[14] on the Den Brook AM condition, which concludes:

'We believe that this exercise demonstrates that the Den Brook condition is straightforward and that it is possible for this condition to be employed in a transparent and objective manner to demonstrate the existence of excess AM in wind turbine noise'.

4.7 The analysis of background noise by RES clearly shows this not to be the case. In my opinion, any condition based around the original Den Brook condition format is fatally flawed.

[12] Bass, J. Investigation of the 'Den Brook' Amplitude Modulation methodology for wind turbine noise, IOA Bulletin November /December 2011

[13] http://www.turncolewindfarm.co.uk/the-project/turncole-wind-farm.aspx

[14] http://www.ref.org.uk/publications/242-the-den-brook-amplitude-modulation-noise-condition

5 Conclusions

5.1 In my opinion the noise condition included as Condition 8 is sufficient to protect the amenity of residents.

5.2 MAS suggest that wind shear is a key factor relevant for this site, although the exact role wind shear plays in the occurrence of amplitude modulation is still subject to debate and investigation. TNEI have reviewed the available wind shear data and the calculated shear figures are not unusual.

5.3 MAS have presented no site specific evidence to demonstrate a higher than remote chance of OAM occurring.

5.4 Any assertion by MAS that an OAM condition is both necessary and reasonable, despite the lack of any evidence to support such a proposal, is unfounded and does not meet the tests cited in circular 11/95. The recent adoption of the National Planning Policy Framework does not alter that requirement.

Appendix 1 – Wind Shear Analysis Method

Wind shear coefficients have been calculated using measured data from a wind monitoring mast installed onsite. A 30m wind monitoring mast was installed at the site. Anemometers measuring wind speed are located on the mast at heights of 15m and 30m.

Original calibration certificates and the mast installation report were not available and as such the raw data has been taken 'as read' and it has been assumed that any calibration adjustments have been applied in by the data logger (which is typical). Nevertheless calibration adjustments are usually very minor and as such TNEI feel that even if the adjustments have not been applied any differences to the shear results are unlikely to be significant.

Wind data recorded from 26/06/2007 to 06/12/2007 was analysed by TNEI. The data was screened upon receipt to remove any suspect or erroneous values.

Wind shear has been calculated using wind speed measured at 15m and 30m using the power law. The power law is a widely used empirical relation used to represent the atmospheric boundary layer wind profile and takes the form:

$$\frac{U_2}{U_1} = \left(\frac{H_2}{H_1}\right)^m$$

Where m is the wind shear coefficient, U is the horizontal velocity and H is the height above ground level.

Shear calculations for the site have been based upon 6 months of data, a wind shear model known as the "parameter-averaged" approach and splitting time periods according to ETSU-R-97. The results of calculated wind shear coefficients are given in Table A1.

Table A1 Average Wind Shear Coefficient

	Quiet daytime (as described in ETSU-R-97)	**Night time (as described in ETSU-R-97)**
Shear value	**0.26**	**0.28**

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P.P.S.
Phillips Planning Services Ltd.
Town Planning and Development Consultants

Our Ref: P04307

22 June 2012

Members of the Development Control Committee
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands, Shefford
Bedfordshire
SG17 5TQ

Dear Councillor

Development Control Committee 27 June 2012
Item 14 - Land at Bridge Farm, Ivel Road, Shefford, Ref 12/01125

We are writing to you in your capacity as a Member of the Development Control Committee and specifically in respect of the application that you will consider at the meeting on the 27th in respect of development at Bridge Farm, Ivel Road, Shefford.

Our client, own the land which lies to the east of the application site.

Our client has not raised objection to the application, but considers it important to raise the following issue with you.

The issue is that of the provision of an appropriate access from the application site to our clients land to the east.

Policy MA6 which guides the consideration of the current application states that the development of the site should be subject to:

> ***A route to be safeguarded through the site in order to allow sufficient future access and services to land to the east and south.***

This requirement is important because as you may be aware, it was an element inserted by the Planning Inspector who considered the allocation of the site as part of the examination of the then draft plan. The Inspector included the link requirement in response to concerns from local residents, in particular those living in neighbouring Queen Elizabeth Close. The Queen Elizabeth Close residents had submitted representations to the effect that should our clients land ever come forward for development any link from the site to Ivel Road should be taken through the current application site rather than through Queen Elizabeth Close itself. (Our client owns a property in Queen Elizabeth Close which would be demolished to provide the link)

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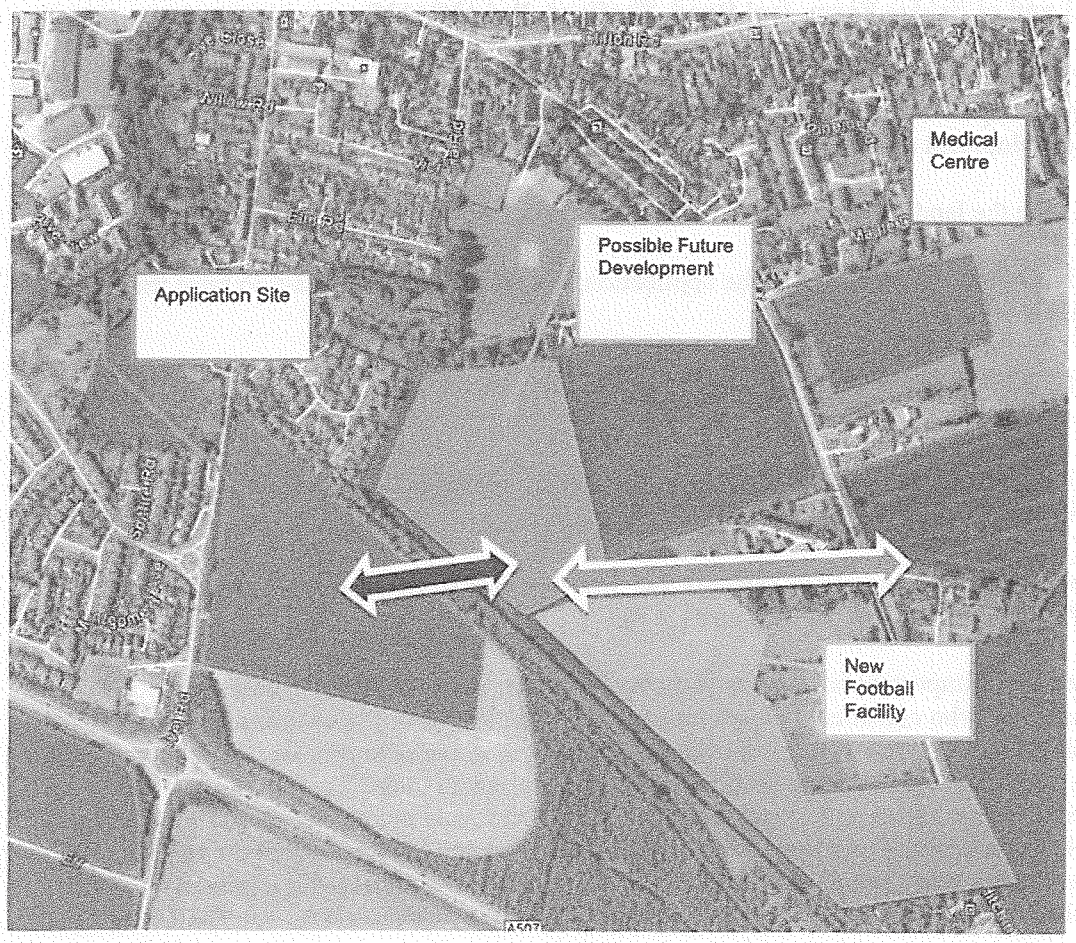
The layout which is before you for consideration, whilst showing a link in principle, has not been designed to the Central Bedfordshire standard for a link road of the nature envisaged and does not therefore comply with the requirements of Policy MA6. (I refer you to the comments of our clients Highway Consultant which are attached.) In essence the link shown is only 5 – 5.5 metres wide but the Central Bedfordshire Design Guide 'Movement, Streets and Places' which sets out current standards for new highways requires that main streets, which 'form part of the more strategic route network', must have a carriageway width of 6.25m where they are on bus routes.

To provide some context to this matter, should our clients land ever come forward for development it is likely to accommodate 150 – 200 houses (shown orange below) and its main access would be taken from a partially implemented roundabout access off Hitchin Road to the east. (Purple arrow) This access has been recently constructed in compliance with the necessary standards to provide access to the new Shefford Football facility. (Green) 300 children will utilise this facility. As you may also be aware Shefford Medical Centre opened on Hitchin Road in 2011 and is a key destination within the settlement.(Light Blue) Finally, Samuel Whitbread Community College have plans to provide a new access from Hitchin Road to assist in removing coach traffic from the existing frontage in Shefford Road.



Therefore we consider it very likely that should any link be provided in the future from the site to our clients land (Black Arrow) it will quickly become a desirable route for residents coming from the west of the town via Old Bridgeway and Churchill Way seeking to access the Medical Centre, Football facility, potentially the school or simply just avoid the congestion within Ivel Road, High Street and on Clifton Road.

It is our submission that the proposed link should be increased in width to 6.25 metres such that it would accord with Central Bedfordshire standards and recently adopted policy for a link of this nature.

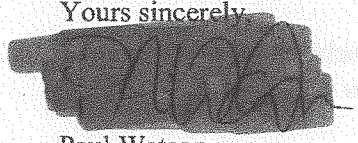
In addition to the increase in width we suggest that the link should be provided or if not physically provided, then the safeguarded route should be adopted up to the boundary with our clients land. If the link is not secured in this way then it is never likely to come forward as if our clients land is developed this will simply be accessed from Hitchin Road with a potential link through Queen Elizabeth Close.

For clarity we would ask that members impose relevant conditions to:

1. Require a minimum link road width of 6.25 metres: and
2. Require the safeguarded route to be adopted up to the eastern boundary

Thank you for considering these points.

Yours sincerely



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22 JUN 2012

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Mr P Watson
Phillips Planning Services
7 Kingsway,
Bedford,
MK42 9BA

21 June 2012

Our ref: 108

Dear Paul

Shefford: Applications Ref CB/12/01125/FULL and CB/12/01123/OUT

As requested, I have now reviewed the Officer's report on the above applications. It is extremely disappointing that the Planning Authority has seen fit to ignore our submissions on the important matter of the design of the internal highways to properly allow for a connection through the site, which is required by planning policy.

I note that the Environmental Health Officer has been consulted on the impacts of the future link, and he has stated that there will be no noise impacts. Firstly, it is not clear how he could have come to such a view as there are no traffic flow forecasts for the connection.

More importantly, however, our view is that residents will object to this future link on much wider grounds than noise. Our experience is that concerns will be raised by residents on the impact of the connection on road safety, parked vehicles and on their general amenity, as well as property values. These matters have clearly not been properly considered by the planning authority in making such a narrow response.

Moreover, given the policy background, it is very surprising that the highway authority has made no mention of the connectivity issue in its consultation response. This is a serious omission on their part and is in my view a derogation of their duty to plan properly for the future development of the settlement.

The planning officer states on Page 152:

With regard to the width of the road, the proposal is considered sufficient to serve the development as proposed. The adjoining land has no planning status and it is not known at this stage the quantums of development that my come forward.

Notwithstanding the fact that this statement fails to give sufficient weight to policy MA6, I find this to be a very narrow assessment of the design parameters for the connection. The suggestion that the width of the road is dependent on the amount of development that will be directly served by it completely misses the point.

As you correctly pointed out in your letter of 8th May, the amount of traffic using the link will be significant as it will form a strategic connection between the western and eastern parts of Shefford, as well as places beyond. If it is not designed properly, with the benefit of sensible forward planning, it will be inevitably be termed a potential 'rat run' and will be strongly resisted at the time by local residents and therefore elected members.

The planning and highway authorities have an opportunity here to carry out some sensible future planning, to the benefit of the town as a whole, as the link will help to provide traffic relief to the town centre. At the moment they appear to be wasting that opportunity. Moreover, in the absence of this connection, access to the future development may need to be gained from Queen Elizabeth Close, which is likely to cause some concerns amongst existing residents.

In conclusion I would refer the attention of the planning and highway authorities to paragraph 3.6.19 of Manual for Streets, which deals precisely with this issue:

3.6.19 When developing outline masterplans for large-scale proposals, such as an urban extension, the design team needs to consider the longer-term vision for the area in question. Such a future-proofing exercise involves looking beyond the usual planning periods to consider where development may be in, say, 20 or 30 years. The issues identified may influence the masterplan. An example would be allowing for the future growth of a settlement by continuing streets to the edge of the site so that they can be extended at a later date (Fig. 3.8). This principle also applies to smaller-scale schemes which need to take account of future development proposals around an application site and, where appropriate in discussions with the local planning authority, to ensure that linkages are established wherever possible and that the site is swiftly integrated into its surroundings.

Yours sincerely

Phil Jones
Director

25 June 2012
CAPL249054/A3/CC/TE

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Members of Central Bedfordshire Development Management Committee

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Dear Councillor

CB/12/01125/FUL and CB/12/01123/OUTLINE, Bridge Farm, Ivel Road, Shefford

1. We refer to the above planning applications and the committee reports which are being considered at the Council's Development Management Committee on 27th June 2012. We write on behalf of Mr and Mrs Foster and Polehanger Farm who own land adjacent and to the east and south of the application sites, including the 6.5 hectares of woodland to the east. Mr and Mrs Foster have previously promoted the development of the whole area between Ivel Road, Shefford Road and the A507.

2. We consider that the committee reports do not fully set out the issues in relation to Policy MA6 of the Adopted Development Plan and its consideration of the issues surrounding the requirement to provide access and services to land in the east and south. We also write regarding the approach to S106 in relation to the planning application.

Access to land to the east and south

3. Policy MA6 requires "a route to be safeguarded through the site in order to allow sufficient future access and services to land to the east and south". The purpose behind this policy requirement is to ensure the proper planning of Central Bedfordshire and to facilitate the delivery of sustainable development. Central Bedfordshire is a predominantly rural district, with a small number of market towns and large villages. The supply of previously developed land in sustainable locations is limited and therefore it is inevitable that green field land will be required in order to meet future development needs in the most sustainable way. The consequence of that background is that the inspector into the Site Allocations DPD inserted a requirement in Policy MA6 to ensure that land to the east and south of the application sites could come forward in the future should that land be required. In order to ensure that land can be delivered at some point in the future, the Council needs to ensure that there are sufficient safeguards in granting planning permission at Bridge Farm to ensure that development is not hindered in the future. At present the committee report fails to fully explain the issues to members and indeed only appears to refer to safeguarding access to land to the east and south and does not refer to the need for services to be safeguarded as required by Policy MA6. As matters stand, and without a requirement that the developer provides roads and services up to the boundary of the planning application sites, it is likely that future development to the south and east could be hindered. We submit that is not in the interests of the proper planning of sustainable development in the area and as a consequence it is contrary to the intentions of the development plan and to the National Planning Policy Framework which places a positive obligation on local authorities to achieve sustainable development.

4. If the Inspector into the Site Allocations Development Plan Document had intended these issues all to be left to future consideration he would not have inserted this second bullet point to Policy MA6 which

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imposes a positive obligation on the Council to ensure that sufficient provision is made for future access and services to facilitate delivery of land to the east and south.

5. The committee report in relation to CB/12/01123 advises that links to land to the east and south cannot be ensured as this is an outline application with all matters reserved and therefore it cannot be known at what point connections should be made. The requirement of the development plan specifically seeks to avoid such a situation and we consider this to be a significant weakness in the application and the decision making process. As we have already set out the Council is under a positive obligation to ensure the delivery of sustainable development and therefore it should not be permitting development unless it can be assured that the inspector's requirements have been met. If the development plan had intended that land in this area be treated differently there would have been no need for the inspector to insert the wording into the policy. As we have set out in our responses on the planning application in order to ensure the proper planning of sustainable development in the area a design exercise is required which considers the whole of this area including the land to the east and south to ascertain the most sustainable and appropriate form of the development and the connections between the sites.

6. Without ensuring this safeguard is in place an inspector, in the future, considering the deliverability of land to the east and south through the development plan process may well conclude that such land is not deliverable owing to the potential for the creation of a ransom by the Council's actions. This is clearly the situation which the Inspector who carried out the Examination into the Site Allocations DPD sought to avoid and therefore without ensuring such safeguards are in place the proposals are contrary to the adopted development plan which is seeking to facilitate the development in this area should it be required rather than to hinder it.

7. In our representations on application CB/12/01125 we raised a question regarding the status of the land at the end of the main spine road, which appears to be identified as open space/landscaping in the planning layout (SHEFF-02-100). The committee report does not discuss this issue but at present it would appear that forms part of the open space contribution and similarly could therefore be a barrier to future development to the east and south.

8. Condition 19 requires the implementation of a 5m landscape buffer strip along the southern and eastern edge. It needs to be made clear that this buffer should not prevent the provision of access and services to land to the east and south

S106

9. The committee report as it stands does not explain the level of contribution which would be required in order to accord with the Council's adopted Planning Obligations SPD. It is therefore not possible to arrive at a view as to whether the development is acceptable in planning terms. Nor does the Committee Report (or indeed the applications documentation) set out the level of open space which would be required arising from this level of development and therefore it is not possible to come to a view as to whether the S106 contributions for green infrastructure accord with policy. For example, the report on application CB/12/01125 states that contributions totalling £295,430 are required for green infrastructure, Forest of Marston Vale and Open Space, but contributions of just £97,000 have been offered, as the landowner has undertaken tree planting costing in the region of £68,000 "in recent years in the vicinity of the site".

10. In addition to that substantial shortfall in funding green infrastructure, it is unclear where the £68,000 of expenditure has taken place and there is no information on the planning to file to substantiate this. My clients are local landowners and are unaware of any planting of this scale in the vicinity of the site in recent years. It should be noted, for the avoidance of doubt, that the substantial area of planting which has taken place to the east and south of the application sites is on Mr & Mrs Foster's land and is not the land being referred to by the applicants. In the absence of information as to where this planting has taken place we do not see how this can be said to be directly related to the development nor that it can be taken into account in consideration of open space provision and green infrastructure arising out of the development. If the provision counts towards the green infrastructure requirements arising from these

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proposals this application needs to secure public access to the area through the S106 agreement and put in place mechanisms for the management of the area and replacement planting should any trees/plants die, be removed, be seriously damaged or become diseased.

Recommendations of the reports

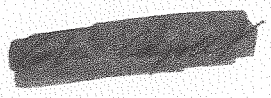
11. There is no reference in the report's recommendation regarding application CB/12/01125 of the need for the legal agreement to secure the provision of access and services to land to the east and south. This requirement needs to be explicitly referred to in the Council's decision.

12. There is no reference in the report's recommendation regarding application CB/12/01123 of the need for the legal agreement to secure the provision of services to land to the east and south. This requirement needs to be explicitly referred to in the Council's decision. Part 10 of the report does refer to securing access to the south, but does not cover securing services and does not cover securing access and services to the land to the east. It may be that the design and capacity of the access and services provide access to the both land to the east and south. Accordingly, the recommendation should explicitly refer to requiring the provision of access and services to land to the east and south.

Conclusions

13. There remain a number of important policy issues which are not dealt with adequately in the planning application documentation nor the committee report. We request that members defer the application until such a time as proper consideration has been given to ensuring that land to the east and south can be delivered at a point in the future should it be needed, in accordance with the requirements of the development plan and in accordance with the positive obligation placed on the planning authority to achieve sustainable development as set out in the National Planning Policy Framework.

Yours sincerely



Colin Campbell BSc DipTP MRTPI
Director

cc Cllr Anthony Brown
Cllr Lewis Birt
David Lamb

The Planning Inspectorate

Appeal Decision

Site visit made on 28 October 2011

by Andrew S Freeman BSc(Hons) DipTP DipEM FRTPI FCIHT MIEnvSc

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 November 2011

Appeal Ref: APP/P0240/A/11/2157033
Land adjacent to Ivy Cottage, 3 Oliver's Lane, Stotfold, Hitchin, Hertfordshire, SG5 4DH

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr S Anderson against the decision of Central Bedfordshire Council.
- The application Ref CB/11/01188/FULL, dated 28 March 2011, was refused by notice dated 11 July 2011.
- The development proposed is erection of detached dwelling.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr S Anderson against Central Bedfordshire Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect on infrastructure.

Reasons

4. Core Strategy Policy CS2 states that developer contributions will be expected from any development which would individually or cumulatively necessitate additional or improved infrastructure, or exacerbate an existing deficiency. The nature and scale of development for which contributions will be sought, the level of such contributions and the mechanism for securing will be set out in the Planning Obligations Strategy. In this respect, the Council is seeking contributions from the appeal development with regard to education, leisure and recreational open space.

5. The appellant is challenging the necessity for such contributions. Attention has been drawn to the Community Infrastructure Levy Regulations 2010 and to the requirement for planning obligations to be directly related to the proposed development. It is also argued that limited weight should be accorded to the Supplementary Planning Document on planning obligations. In addition, the basis of calculation (bedroom count) is disputed.

6. I start with consideration of the Supplementary Planning Document (SPD). The first edition was adopted in 2008 with the SPD being "reviewed and approved" in November 2009. Although the appellant contends that there is limited detail

to conclude that the 2009 review followed any formal consultation, the Council's evidence states that any significant changes, additions or alterations identified would be subject to public consultation and consideration prior to their adoption.

7. Reliance has been placed, by the Council, on the 2009 version of the SPD. Taking education contributions as an example, the charge for school extensions is based on the standard charge set by the Department for Children, Schools and Families and is the current guidance on the cost per pupil place for 2008/9 for extensions to existing school facilities. In this and all other respects, I have no reason to suppose that the contributions sought by the Council are based on anything other than sound evidence. I shall give the SPD significant weight in this appeal.

8. The contributions sought are based on the number of bedrooms that there would be within the appeal development. The appellant argues that there would be two bedrooms. A third room on the first floor would be used as a study. If the related window had obscure glazing, this would prevent the use of the room as a bedroom.

9. In my opinion, the room could still be used as a bedroom albeit with an inappropriate loss of amenity if the window were obscure glazed. This detached property would be a large dwelling. In addition to a large lounge and kitchen / diner, accommodation on the ground floor alone would include a games room, cinema room and two bathrooms. In my judgement, the "study" on the first floor (with adjacent bathroom) could well be used as a bedroom. It would be appropriate to regard this house as a three bedroom dwelling.

10. I now return to the central question of whether the contributions sought would be directly related to the development proposed. In terms of education contributions, I can see[1] that Stotfold is a parish where both lower and middle school provision is needed. On lower schools, contributions would be made towards the costs of additional places at schools within the parish including Roecroft Lower School. At middle school level, an extension of the school that will be required as a result of housing developments within the Etonbury catchment is the focus of attention.

11. To my mind, there is a reasonable indication of how any monies would be spent and on what. In this respect, and having regard to parental choice, I do not consider that evidence at the level of individual school catchments is necessary. Confirmation of the expenditure trail, and the timing of provision, would appropriately be provided within a planning obligation (agreement). The agreement would also provide for the return of funds if the expenditure did not happen.

12. Turning to leisure and recreational open space, part of the contribution sought would go towards indoor sport and leisure, in particular, a new leisure centre at Flitwick. The Flitwick Leisure Centre would attract users from the western half of the district. However, Stotfold parish is on the eastern fringe of the district and outside the 15 minute drive time from Flitwick.[2] In my opinion, there would be no obvious relationship between the development in Stotfold and expenditure at Flitwick.

[1] Background Paper, November 2009, Pages 12 and 13
[2] Ibid, Page 48

13. There is also inadequate justification for a contribution towards informal open space. In this regard, the Planning Obligations SPD Background Paper at Page 53 indicates a surplus of related amenity space at Stotfold.

14. The situation with regard to children's play space and outdoor sporting open space is somewhat different. The Background Paper shows a deficiency in both these categories (Page 53). This deficiency is confirmed in the Council's appeal statement. In terms of provision on the ground, I can see that the Parish Council would be the provider, drawing on contribution funds. I see this as an appropriate response given that the Parish Council is likely to be the owner of the majority of the open space within Stotfold. However, within any planning obligation, it would be necessary to ensure that provision for children's play and outdoor sport is actually being made with the return of funds in the absence of timely implementation.

15. I conclude that the appeal development would place demands on education, children's play and outdoor sport. I am satisfied that, in principle, the development should be making contributions of the order suggested towards these facilities. Without related infrastructure, service provision could be unacceptably affected and existing deficiencies could be compounded.

16. I acknowledge that, to be lawful, provision made within any planning obligation should be directly related to the proposed development. From the evidence before me, I am satisfied that there would be a direct link between the demands of the development and proposed infrastructure provision. In this regard, I would expect the related obligation to set out the expenditure trail and make provision for the return of funds in the absence of timely project implementation. In the absence of provision for contributions, I find that there would be an unacceptable effect on infrastructure contrary to Core Strategy Policy CS2. The appeal should be dismissed.

Andrew S Freeman

INSPECTOR

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Item No. 7

APPLICATION NUMBER	**CB/12/01255/FULL**
LOCATION	**53 North Street, Leighton Buzzard, LU7 1EQ**
PROPOSAL	**Demolition of existing house, outbuildings and boundary wall and redevelopment with 12 houses and 1 flat and all ancillary works and reconstruction of boundary wall to No. 51 North Street**
PARISH	**Leighton-Linslade**
WARD	**Leighton Buzzard North**
WARD COUNCILLORS	**Cllrs Johnstone, Shadbolt & Spurr**
CASE OFFICER	**Vicki Davies**
DATE REGISTERED	**20 April 2012**
EXPIRY DATE	**20 July 2012**
APPLICANT	**Trustees of the Leighton Buzzard Townlands Trust**
AGENT	**BHD Ltd**
REASON FOR COMMITTEE TO DETERMINE	**At the request of Cllr Shadbolt due to concerns regarding the impact on the Listed Almshouses**
RECOMMENDED DECISION	**Full Application - Granted**

Recommendation

That subject to the prior completion of a satisfactory Section 106 Agreement to provide for contributions towards Council services as outlined above and secure a Traffic Regulation Order, 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 **Before development begins, a landscaping scheme to include any hard surfaces, boundary treatment and earth mounding shall be 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 **Before development commences 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 building(s) and the visual amenities of the locality.
(Policy BE8, S.B.L.P.R).**

4 **Development shall not begin until details of a traffic regulation order to control parking within the proposed estate road have been approved by the Local Planning Authority and no building shall be occupied until the traffic regulation order has been implemented in accordance with the approved details.**

Reason: In the interest of highway safety.

5 **Development shall not begin until details of the junction between the proposed estate road and the 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.

6 **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.

7 **No development shall commence until the apparatus for wheel cleaning has been provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The apparatus for wheel cleaning 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.

8 **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.

9 **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.

10 **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 for that phase:**

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.**
- **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 the quality of inland fresh waters and groundwaters in accordance with policy 9-6 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document.

11 **Prior to the commencement of development, a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented as approved.**

Reason: To protect the quality of inland fresh waters and groundwaters in accordance with policy 9-6 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document.

12 **Prior to any demolition work a full photographic and drawn record (elevations and floor plans) of all buildings proposed for demolition shall be made and submitted to the Local Planning Authority for retention on the Historic Environment Record.**

Reason: In order to record the historic buildings prior to demolition.

13 **Prior to the commencement of development drawn details of the constructional method and mortar mixes for the boundary wall to be reconstructed shall be submitted and approved in writing by the Local Planning Authority. The wall shall then be reconstructed in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.**

Reason: In the interests of visual amenity and to protect the setting of the Listed Building.

14 **Prior to the commencement of development details of the protection of the rear boundary wall of the Almshouses, forming the eastern boundary of the development site, shall be submitted to and approved in writing by the Local Planning Authority. The protection measures shall remain in place throughout the duration of works on site. Any damage or necessary repairs to the wall shall be undertaken within 6 months of the completion of the development in accordance with details previously agreed in writing by the Local Planning Authority.**

Reason: In order to protect and maintain the Listed Building.

15 Prior to the reconstruction of the boundary wall hereby permitted a sample panel of the proposed boundary wall shall be produced and agreed in writing

by the Local Planning Authority. The boundary wall shall then be constructed in accordance with the approved sample panel unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to protect the setting of the Listed Building.

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

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

17 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured both sides, from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, 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 which is likely to use it.

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 The turning space for vehicles illustrated on the approved Plan PL-001 rev C

shall be constructed before the development is first brought into use.

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

21 The maximum gradient of any 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.

22 The parking bays denoted with the letter V on plan PL-10.1 shall be kept as unassigned parking for the use of residents in plots 1 to 13 inclusive. They shall be kept in an open condition, fully available for this purpose and no bollard, barrier or similar device or designation signs shall be erected thereon.

Reason: To ensure the permanent availability of car parking spaces for residents and visitors.

23 The parking bays shown as HV1 and HV2 on plan PL-10.1 shall be kept as unassigned parking, in an open condition, fully available for this purpose and no bollard, barrier or
similar device shall be erected thereon.

Reason: To ensure the permanent availability of car parking spaces.

24 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), no alterations to the carports hereby permitted, including the insertion of a garage door, roller shutter or gate, shall be carried out without the grant of further specific permission from the Local Planning Authority.

Reason: To ensure that parked vehicles do not adversely affect the safety and convenience of users of the highway by overhanging the adjoining public highway.

25 No external lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of neighbouring properties and highway safety.
(Policy BE8, S.B.L.P.R).

26 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, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect the quality of inland fresh waters and groundwaters in accordance with policy 9-6 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document and Planning Policy Statement 23.

27 The development hereby permitted shall be undertaken in accordance with the mitigation and enhancement measures set out in the Ecological Walkover Survey Report unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that there is no detriment to biodiversity and to protect the biodiversity within the site.

28 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 groundwater. There have been historic as well as recent contaminative uses and the Chalk aquifer is a sensitive receptor. Contamination found in the soils is likely to prohibit the use of drainage using infiltration to ground.

29 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 groundwater. There have been historic as well as recent contaminative uses on site and the Chalk aquifer is a sensitive receptor. At this stage the design of the foundations is not known and should contamination be found in the soils, this needs to be considered in the foundation proposals.

30 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PL-10.1, PL-11.1, PL-12, PL-13, DA-01A, DA-13A & DA-14A.

Reason: For the avoidance of doubt.

Reasons for Granting

The site is part of a site allocated for residential development in Policy H1 (25) of the South Bedfordshire Local Plan Review. The proposed development would not detrimentally impact upon the character and appearance of the Conservation Area or wider streetscene nor would there be any adverse impact on the amenities of neighbouring residents. The proposed development would not have any adverse impact on the adjoining Listed Buildings or the setting of the Listed Buildings. The proposal would not result in any highway, parking or other issues. The scheme by

reason of its siting and design is in conformity with the National Planning Policy Framework and South Bedfordshire Local Plan First Review policies BE8, T10, H1, H3 and H4. It is further in conformity with the Central Bedfordshire Supplementary Technical Guidance "Design in Central Bedfordshire, A Guide for Development".

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. 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.

3. The applicant is advised that in order to comply with Condition 4 of this permission for a new traffic regulation order, the applicant must apply in writing 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 the Road Traffic Regulation Act 1984 to be implemented, the cost of which shall be borne by the developer.

4. 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 obtained from the Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

5. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers' expense to account for extra surface water generated. Any improvements must be approved by the Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

6. 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 Ampthill Road, Bedford MK42 9BD.

7. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

8. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedford shire A Guide for Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.

9. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Guidance - July 2010".

10. 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 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 and any proposed traffic regulation orders, 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.

11. Model procedures and good practice. 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 Guiding Principles for Land Contamination for the type of information required 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 our website at www.environment-agency.gov.uk for more information.

12. **Sustainable Drainage Systems**

    In accordance with the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document, we offer the following advice on Sustainable Drainage Systems (SUDS).

- Soakaways must be constructed in line with guidance provided in Building Research Establishment 365 (BRE365) – Soakaway Design.
- SUDS must be constructed in line with guidance provided in Construction Industry Research and Information Association C697 (CIRIA C697) - The SUDS Manual.
- Direct discharges into groundwater of surface water run-off are not acceptable.
- All infiltration structures (permeable pavements, infiltration trenches, soakaways, etc.) should be constructed to as shallow a depth as possible to simulate natural infiltration. The maximum acceptable depth for infiltration structures is two metres below existing ground level with the base of these infiltration structures at least 1.2 metres above the highest seasonal groundwater-table. Deep bore and other deep soakaway systems are not considered by the Environment Agency to be appropriate in areas where groundwater constitutes a significant resource (i.e. where aquifer yield may support or already supports abstraction). Infiltration structures must not be constructed in contaminated ground. Only clean, uncontaminated water should be discharged to any infiltration structure. Infiltration structures should only be used in areas on site where they would not present a risk to groundwater. If permitted, their location must be approved in writing by the Local Planning Authority (LPA).
- Prior to being discharged into any surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination should be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water should not pass through the interceptor and should discharge to separate infiltration systems to those used for road and vehicle parking areas. Any SUDS from car or lorry parking areas would need to incorporate suitable measures for the protection of water quality, this is likely to include measures to mitigate the discharge of hydrocarbons to surface water or ground. Details of treatment techniques are outlined in CIRIA Report C609. The Environment Agency would wish to be consulted on any protection measures. Any oil interceptors should include separate provision for the interception and removal of sediment (as collection of solids within the interceptor will reduce the capacity and function of the interceptor). Any oil interceptors/sediment chambers should be regularly maintained in accordance with manufacturers guidelines.

13. **Piling**

In accordance with Policy 10-3 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document we recommend 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.

14. This permission is subject to a legal obligation under Section 106 of The Town and Country Planning Act 1990.

NOTES

(1) In advance of the consideration of the application the Committee were advised of updates to the report in relation to amendments to Paragraph 4, Page 18 under the heading of “The Application”. And information regarding Section 106 requirements on Pages 32 & 33.

(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. 8

APPLICATION NUMBER	**CB/12/01275/LB**
LOCATION	**51 North Street, Leighton Buzzard, LU7 1EQ**
PROPOSAL	**Demolition of boundary wall to No.51 North Street and reconstruction using salvaged materials in the denoted position to allow the construction of site access road. Works to include the retention of the existing dedication plaque.**
PARISH	**Leighton-Linslade**
WARD	**Leighton Buzzard North**
WARD COUNCILLORS	**Cllrs Johnstone, Shadbolt & Spurr**
CASE OFFICER	**Vicki Davies**
DATE REGISTERED	**10 April 2012**
EXPIRY DATE	**05 June 2012**
APPLICANT	**Trustees of the Leighton Buzzard Townlands Trust**
AGENT	**BHD Ltd**
REASON FOR COMMITTEE TO DETERMINE	**At the request of Cllr Shadbolt due to concerns regarding the impact on the Listed Almshouses**
RECOMMENDED DECISION	**Listed Building - Granted**

Recommendation

That Listed Building Consent be granted subject to the following:

1 The works hereby consented shall be begun 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 **Prior to the commencement of development drawn details of the constructional method and mortar mixes for the boundary wall to be reconstructed shall be submitted and approved in writing by the Local Planning Authority. The details shall include the specification of the incorporation of the relocated historic almshouses wall plaques and the storage arrangements of the materials between demolition and reconstruction. The wall shall then be reconstructed in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.**

Reason: In the interests of visual amenity and to protect the setting of the Listed Building.

3 **Prior to the commencement of development details of the protection of the rear boundary wall of the almshouses, forming the eastern**

boundary of the development site, shall be submitted to and approved in writing by the Local Planning Authority. The protection measures shall remain in place throughout the duration of works on site. Any damage or necessary repairs to the wall shall be undertaken within 6 months of the completion of the development in accordance with details previously agreed in writing by the Local Planning Authority.

Reason: In order to protect and maintain the Listed Building.

4 Prior to the reconstruction of the boundary wall hereby permitted a sample panel of the proposed boundary wall shall be produced and agreed in writing by the Local Planning Authority. The boundary wall shall then be constructed in accordance with the approved sample panel unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to protect the setting of the Listed Building.

5 The works hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan number PL-004.2 rev A.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development would not have an adverse impact on the grade II listed building and associated boundary walling. The proposed works are considered, subject to appropriate conditions, to preserve the special interest, character and appearance of the grade II listed building. The proposal accords with Section 12 of the National Planning Policy Framework.

Notes to Applicant

1. This consent relates only to that required under the Planning (Listed Building and Conservation Areas) Act 1990 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.

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

Item No. 9

APPLICATION NUMBER	**CB/12/01238/VOC**
LOCATION	**4 Hillside Road, Leighton Buzzard, LU7 3BU**
PROPOSAL	**Variation of Condition: Condition 3 retention of garage in order to create a sensory room. (Application SB/01/1042)**
PARISH	**Leighton-Linslade**
WARD	**Leighton Buzzard North**
WARD COUNCILLORS	**Cllrs Johnstone, Shadbolt & Spurr**
CASE OFFICER	**Vicki Davies**
DATE REGISTERED	**12 April 2012**
EXPIRY DATE	**07 June 2012**
APPLICANT	**Macintyre Care**
AGENT	**The Walker Prichard Partnership**
REASON FOR COMMITTEE TO DETERMINE	**At the request of Cllr Shadbolt in response to the level of public interest in the application.**
RECOMMENDED DECISION	**Variation of Condition - Granted**

Recommendation

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

1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 030 and 013 rev E.

Reason: For the avoidance of doubt.

Reasons for Granting

The removal of condition 3 of planning permission SB/01/01042 would not have any impact on the character and appearance of the streetscene or on the amenities of neighbouring residents. Sufficient parking provision would be retained within the site to prevent on-street parking and the removal of the condition is therefore acceptable in highway terms.

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

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

Item No. 10

APPLICATION NUMBER	**CB/11/03933/FULL**
LOCATION	**Land at Vimy Road, Linslade, Leighton Buzzard, LU7 1ER**
PROPOSAL	**Construction of 32 No. small flats in a four storey block with associated parking.**
PARISH	**Leighton-Linslade**
WARD	**Linslade**
WARD COUNCILLORS	**Cllrs Hopkin, Janes & Warren**
CASE OFFICER	**Abel Bunu**
DATE REGISTERED	**18 January 2012**
EXPIRY DATE	**18 April 2012**
APPLICANT	**W E Black Ltd**
AGENT	**W J Macleod Ltd**
REASON FOR COMMITTEE TO DETERMINE	**Called in by Cllr Alan Shadbolt due to public interest and the history of the site**
RECOMMENDED DECISION	**Full Application - Granted**

RECOMMENDED to authorise the Head of 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 in respect of:

- **upgrading the existing access to an adoptable standard prior to commencing and measures to maintain the access prior to adoption**
- **Sustainable transportation measures**
- **Open space/Community Facilities**
- **Health Facilities**
- **Social and Community Infrastructure**
- **Waste Management**
- **Emergency services**
- **Public art**
- **Upgrading Footpath (FP28) to include the pedestrian access from the footpath to ensure it is DDA compliant.**
- **Retention of existing Affordable Housing Provision at Phases 1 & 2**

- **Provision of five disabled parking spaces**

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 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be 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 **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed buildings together with details of window frames, reveals and cills shall be submitted to and approved in writing by the Local Planning Authority. The windows which are intended to be opening shall be designed to ensure adequate ventilation for internal areas when closed.**

Reason: To control the appearance of the buildings and to ensure that the flats are not adversely affected by external noise.
(Policy BE8, S.B.L.P.R).

4 **Before development begins, a scheme for fencing, to take into account 'Secured by Design' principles, shall be 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 and security of the area.
(Policy BE8, S.B.L.P.R).

5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 21 October 2008, reference 940/R03, compiled by Weetwood Environmental Engineering, and the following mitigation measures detailed within the FRA

1. Limiting the surface water run-off generated by the 100-year (plus climate

change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
3. Flood-resilience measures detailed in section 3.3 of the FRA, in the proposed development.
4. Finished floor levels are set no lower than 82.48 metres above Ordnance Datum (AOD).

Reasons
1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To ensure safe access and egress from and to the site.
3. To reduce the impact of flooding on the proposed development and future occupants.
4. To reduce the risk of flooding to the proposed development and future occupants.

6 **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**
- **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: The site overlies a principal aquifer – Woburn Sands

Formation. Principal aquifers are geological strata that exhibit high permeability and provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale. The regional use of groundwater in the area makes the site vulnerable to pollution. The overlying Secondary aquifer and nearby River Ouzel are also at risk of pollution from this site. The previous uses of the land which include a petrol filling station, engineering works, factories and warehouses suggest that land contamination should be expected until a phased investigation (covering the whole area within the red line boundary of the planning application) concludes otherwise.

7 **Prior to construction, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.**

Reason: Should the proposed intrusive investigation identify any soil or groundwater contamination onsite, a validation report demonstrating satisfactory remediation of the site is required prior to commencement of the proposed development.

8 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 ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

9 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 prevent the pollution of controlled waters. In accordance with the Environment Agency Groundwater Protection Policy, direct discharges into groundwater of surface water run-off are not acceptable and only clean uncontaminated water should be discharged into any infiltration structures. We do not allow construction of infiltration structures in potentially contaminated land. All surface water drainage from areas susceptible to oil contamination must be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being

drained.

10 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.

Reason: The site overlies Principal aquifer. We recommend that piling on 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.

11 **Before development begins, a scheme of lighting for the car park shall be 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 ensure security of the car park.
(Policy BE8, S.B.L.P.R).

12 The bin store shall be kept available for the use of all residents unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure adequate facilities for storage .
(Policy BE8, S.B.L.P.R).

13 Before development begins and notwithstanding the details submitted with the application, details of the specification, design and surface finish to Public Footpath No. 28 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the footpath is constructed to an adequate standard.
(Policy BE8, S.B.L.P.R).

14 **No development shall commence until wheel-cleaning facilities have been provided at all site exits 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 public highway have been completed (apart from final surfacing).**

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

15 **Before development begins, a scheme showing the special facilities to be provided for the convenience of disabled persons, particularly those in wheelchairs, including the means of access to any building, their parking facilities and access to any outdoor facilities shall be 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.**

Reason: To safeguard the interests of disabled persons.
(Policy BE8, S.B.L.P.R).

16 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.
(Policy BE8, S.B.L.P.R).

17 **No other part of the development hereby approved shall be commenced (within the meaning of Section 56 of the Town and Country Planning Act 1990) until the highway/access improvement works shown on the approved plan - Drawing Number 08/3180/1 Rev A have been completed to the written satisfaction of the Local Planning Authority.**

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

18 **Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.

19 **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.

20 **Before development begins, details of the levels of the buildings shall be submitted to and approved in writing by the Local Planning Authority, and development shall thereafter be implemented accordingly.**

Reason: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.
(Policy BE8, S.B.L.P.R).

21 **Before development begins, the position of the proposed building shall be pegged out on site and its position 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).

22 **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.

d) Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted dwelling is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation 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.

23 **Before development commences a noise attenuation scheme shall be submitted to the Local Planning Authority for its approval in writing. The scheme shall identify any windows which would need to be fixed closed and rooms which would require acoustic ventilation. The approved scheme shall be fully implemented before the development is first occupied or brought into use.**

Reason: To safeguard residential amenity and to ensure a satisfactory relationship between the residential units and the nearby commercial units.
(Policy BE8, S.B.L.P.R).

24 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/01, 08/3180/1A, 08/3180/2, 08/3180/3, 08/3180/4 & 08/3180/5.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development would, constitute sustainable development, enable the effective use of land, contribute towards the provision of a wide choice of housing, and through a Section 106 Agreement, would enable the improvement of the access to the existing and proposed development thereby conforming to the development plan comprising Policies ENV7, H1, SS1, T14 of the Regional Spatial Strategy for the East of England, Policy 25 of the Bedfordshire Structure Plan, BE8, SD1, H2, H3, and T10 of the South Bedfordshire Local Plan Review and national advice contained in the National Planning Policy Framework and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010 and the Planning Obligations supplementary planning document.

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. 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.

3. Please note that the unnumbered drawings submitted in connection with this

application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

4. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

(1) In advance of the consideration of the application the Committee were advised of additional consultation received from a Local resident querying access in relation to the Section 106 Agreement.

(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/12/01650/FULL**
LOCATION	**Former Dunstable Fire Station, Brewers Hill Road, Dunstable, LU6 1AA**
PROPOSAL	**Construction of training/education and demonstrator centre with a set of business incubation units, training and parking area.**
PARISH	**Dunstable**
WARD	**Dunstable Northfields**
WARD COUNCILLORS	**Cllrs Mrs Green & Murray**
CASE OFFICER	**Abel Bunu**
DATE REGISTERED	**08 May 2012**
EXPIRY DATE	**03 July 2012**
APPLICANT	**CBC**
AGENT	**Aragon Land and Planning UK LLP**
REASON FOR COMMITTEE TO DETERMINE	**Called in by Cllr Nigel Young as the Portfolio holder due to the Council's interest in the development**
RECOMMENDED DECISION	**Full Application - Granted**

RECOMMENDED to authorise the Head of 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 in respect of sustainable transportation measures and provision of a bus stop and lay by, 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 **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed building 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.
(Policy BE8, S.B.L.P.R).

3 **Notwithstanding the details submitted with the application, before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be 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).

4 **Before development begins, the position of the building shall be pegged out on site and its position approved in writing by the Local Planning Authority. The development shall thereafter be implemented in the agreed position.**

Reason: To enable consideration to be given to the precise layout of the building in the interests of preserving the protected tree and residential amenity.
(Policy BE8 S.B.L.P.R).

5 **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.

d) Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted dwelling is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation 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 reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health and the environment.

6 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect human health and the environment.

7 No occupation shall take place until a verification report demonstrating completion of works set out in an approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, particularly the Upper Bedford Ouse Chalk groundwater body, from potential pollutants associated with current and previous land uses (including the fire station as identified in submitted documents) in line with Environment Agency Groundwater Protection (GP3:2008) position statements P1-4 and P9-5 to P9-7 inclusive.

8 **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.

9 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.

10 Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

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.

12 **No development shall commence until a wheel cleaning facility has been provided at all site exits 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.

13 **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.

14 **No development shall take place until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highways Agency. The Travel Plan shall include the following :**

The identification of targets for trip reduction and modal shift;

- **The mechanisms for monitoring and review;**
- **The mechanisms for reporting**
- **The penalties to be applied in the event that targets are not met;**
- **The mechanisms for mitigation including budgetary provision;**
- **Implementation of the Travel Plan (until full occupation) to be**

agreed timescale or timescale and its operation thereafter;

- **Mechanisms to secure variations to the Travel Plan following monitoring and reviews.**
- **Mechanisms for managing the Travel Plan and coordinating with other Travel Plans in the development area.**

The completed development shall be occupied in accordance with the approved Travel Plan which shall be retained in place thereafter unless otherwise amended in accordance with a review agreed in writing by the Local Planning Authority in conjunction with the Highways Agency.

Reason : To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic, to satisfy the reasonable requirements of road safety on the A5 trunk road and connecting roads in accordance with section 10 of the Highways Act 1980.

15 Before the development is brought into use, the Travel Plan is to be reviewed by the Local Planning Authority in consultation with the Highways Agency to take on board conditions prevailing at the time and adjustments made to accommodate them.

Reason : To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic, to satisfy the reasonable requirements of road safety on the A5 trunk road and connecting roads in accordance with section 10 of the Highways Act 1980.

16 10% of energy demand of the building should be supplied from low or zero carbon sources.

Reason : To meet regional and national targets for reducing climate change emissions
(Policies, ENG1 & ENG2 E.O.E.P and BE8 S.B.L.P.R)

17 Before the first occupation of the buildings hereby approved, details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall thereafter be implemented and retained as such unless amendments are agreed in writing by the Local Planning Authority.

Reason : In the interest of visual amenity
(Policy BE8, S.B.L.P.R)

18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1038/12/1, 1002 Rev A, 1100 Rev B, 1110 Rev A, 1111 Rev A, 1112 Rev A, 1120, 1121, 1122 &1130.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development would, constitute sustainable development, enable the effective use of land, contribute towards widening employment and educational opportunities and through a section 106 Agreement, enable the improvement of the cycle and pedestrian network and would not be prejudicial to highway safety and would not harmful to residential amenity thereby conforming to the development plan comprising Policies ENV7, SS1, SS3, SS5, E1, E2, T4, T6, T8, T9, ENG1, ENG2 and T14 of the East of England Plan, Policy 25 of the Bedfordshire Structure Plan, BE8, SD1, and T10 of the South Bedfordshire Local Plan Review and national advice contained in the National Planning Policy Framework and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010, the Planning Obligations supplementary planning document and the Brewer's Hill Road Dunstable, Planning and Development Brief, adopted 15 May 2012.

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. 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.

3. **Model procedures and good practice:**
   The Environment Agency recommends that developers:
   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 our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;
   3. Refer to our "Verification of Remediation of Land Contamination" report;
   4. Refer to our "Groundwater Protection: policy and practice (GP3)" documents (http://www.environment-agency.gov.uk/research/library/publications/40741.aspx) (please note that an updated version was consulted upon in late 2011 and the revised position statements may take precedence over the existing policies when we come to review any reports or proposals);
   5. Refer to our 'Position Statement on the Definition of Waste: Development Industry Code of Practice'; and
   6. Refer to our website at www.environment-agency.gov.uk for more information.

4. **Removal of former fuel tanks**

The Environment Agency recommends that all redundant fuel tanks are removed from site during its development to reduce the level of risk posed to controlled waters from potential contaminants associated with them.

5. **Decommissioning of redundant boreholes**
The Environment Agency recommends that all redundant boreholes on site are appropriately decommissioned to prevent them from creating preferential pathways for contaminants to move through into the underlying principal aquifer. We recommend that you refer to our "Decommissioning Redundant Boreholes and Wells" report.

6. The Environment Agency advises that any reference to controlled waters includes inland freshwaters, coastal waters and relevant territorial waters plus groundwater as may be relevant for the proposed development site.

7. The applicant is advised that 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.

8. 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 Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Cauldwell Street, Bedford MK42 9AP.

9. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

10. The building should achieve BREEAM Excellent rating.

11. The building should provide full disabled access from the disabled parking, entrance to the building, lobbies, ambulant disabled access stairs, disabled lift, and w/c.

12. The building should provide full disabled access from the disabled parking, entrance to the building, lobbies, ambulant disabled access stairs, disabled lift, and w/c.

NOTES

(1) In advance of the consideration of the application the Committee were advised that Dunstable town Council had no objections to the application. The Highways Officer recommending an extra condition

Item No. 12

APPLICATION NUMBER	**CB/12/01799/ALT**
LOCATION	**Victoria Allotments, West Street, Dunstable, Beds**
PROPOSAL	**Certificate of Appropriate Alternative Development: Compulsory Purchase Order in connection with extension of West Street cemetery, Dunstable, Bedfordshire.**
PARISH	**Dunstable**
WARD	**Dunstable Central**
WARD COUNCILLORS	**Cllr Mrs Hegley**
CASE OFFICER	**Adam Davies**
DATE REGISTERED	**30 April 2012**
EXPIRY DATE	**25 June 2012**
APPLICANT	**Central Bedfordshire Council**
AGENT	
REASON FOR COMMITTEE TO DETERMINE	**Outside Scheme of Delegation**
RECOMMENDED DECISION	**Certificate of Alternative Development - Granted**

Recommendation

That a Certificate of Appropriate Alternative Development be GRANTED for development as allotments, cemetery or informal space and no other class of development.

Reasons for Granting

Having regard to the Development Plan, the size and location of the Site, the character of the area and the planning history for the Site, had the land not been compulsorily acquired, planning permission would have been given for its use as allotments, cemetery or informal open space, and would not have been granted for any other development.

NOTE

In advance of the consideration of the application the Committee were advised of an additional response from Leisure services setting out comments relating to Recreation Open Space and an additional response requesting that the decision be refused and commenting on the Committee report. The Town Council confirmed that they had no objections.

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Item No. 13

APPLICATION NUMBER	**CB/12/00718/VOC**
LOCATION	**The Marston Vale Millennium Country Park, Station Road, Marston Moretaine, Bedford, MK43 0PR**
PROPOSAL	**Variation of Condition: removal of condition 9 (refers to noise levels) of planning permission CB/11/04077/FULL (Erection of a wind turbine, up to 120.5 metres in height, and ancillary infrastructure)**
PARISH	Marston Moretaine
WARD	**Cranfield & Marston Moretaine**
WARD COUNCILLORS	**Cllr A Bastable, Cllr S Clark, Cllr K Matthews**
CASE OFFICER	**Lisa Newlands**
DATE REGISTERED	**28 February 2012**
EXPIRY DATE	**29 May 2012**
APPLICANT	**Blue Energy Marston Vale Ltd**
AGENT	**AMEC Environment and Infrastructure**
REASON FOR COMMITTEE TO DETERMINE	**Major Application with an objection from the Parish Council.**
RECOMMENDED DECISION	**Variation of Condition - 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 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.

10 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.

11 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.

12 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.

13 **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.

14 **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.

15 **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.

16 **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.

17 **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.

NOTES

In advance of the consideration of the application the Committee were advised that comments had been received from the Noise Consultant on behalf of the Applicant.

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Item No. 14

APPLICATION NUMBER	**CB/12/01125/FULL**
LOCATION	**Bridge Farm, Ivel Road, Shefford, Beds. SG17 5LB**
PROPOSAL	**Erection of 85 residential dwellings, garages and associated works.**
PARISH	**Shefford**
WARD	**Shefford**
WARD COUNCILLORS	**Cllrs Birt & Brown**
CASE OFFICER	**Richard Murdock**
DATE REGISTERED	**10 April 2012**
EXPIRY DATE	**10 July 2012**
APPLICANT	**Bovis Homes Ltd**
AGENT	
REASON FOR COMMITTEE TO DETERMINE	**Cllr Brown due to the level of public interest**
RECOMMENDED DECISION	**Full Application - Granted**

Recommendation

That Planning Permission be approved subject to the following conditions and completion of a Section 106 legal agreement to secure the obligations and contributions as set out above:

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 **No development shall commence until the detailed plans of a scheme to reduce traffic speed on Ivel Road to a level appropriate for a 20 mph speed limit have been approved by the Local Planning Authority and no dwellings accessing Ivel Road via a shared access shall be occupied until the scheme has been constructed in accordance with the approved details.**

Reason: To make the accesses safe and convenient for the traffic which is likely to use them and to encourage pedestrian and cycle access to the town centre.

3 **No development shall commence until details of the roundabout junction between the proposed estate road and Ivel Road 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.

4 No dwelling accessing onto Ivel Road shall be occupied until visibility splays are provided at the junction of the accesses with Ivel Road. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 33m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall for the duration of the development remain free of any obstruction to visibility.

Reason: To provide adequate visibility between the proposed accesses and the public highway and to make the roads safe and convenient for the traffic which is likely to use them.

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

Reason: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

6 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 33m 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

7 **No development shall commence until the detailed plans and sections of the proposed roads, including gradients, method of surface water disposal and a scheme to reduce the speed on the main access road 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.

8 No development shall commence until a wheel cleaning facility has been

provided at all site exits 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.

9 **No development shall commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.

10 No dwelling shall be occupied until a site wide travel plan has been submitted to and approved in writing by the Council, such a travel plan to include details of:

- Baseline survey of site occupants in relation to these current/proposed travel patterns;
- Predicted travel to and from the site and targets to reduce car use.
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.
- Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.
- Detailed 'Action Plan' to include specific timetabled measures designed to promote travel choice and who will be responsible
- Plans for monitoring and review, annually for a period of 5 years at which time the resulting revised action plan shall be submitted to and approved in writing by the planning authority.
- Details of provision of cycle parking in accordance with Central Bedfordshire Council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome pack to include:
    - Site specific travel and transport information,
    - Details of sustainable incentives (e.g. travel vouchers)
    - Maps showing the location of shops, recreational facilities, employment and educational facilities
    - Details of relevant pedestrian, cycle and public transport routes to/ from and within the site.
    - Copies of relevant bus and rail timetables together with discount vouchers for public transport and cycle purchase.
- Details of the appointment of a travel plan co-ordinator.

No part of the development shall be occupied prior to implementation of those parts identified in the Travel Plan [or implementation of those parts identified in the Travel Plan as capable of being implemented prior to occupation]. Those parts of the approved travel plan that are identified

therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable modes of travel and to reduce the potential traffic impact of the development on the local highway network

11 Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

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

12 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless previously agreed in writing by the Local Planning Authority.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

13 Before any dwelling hereby permitted is occupied, a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces per unit, 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.

14 **No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1% AEP (100-year return period) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**
The scheme shall be based upon the criteria, principles and parameters as set out within the Flood Risk Assessment (dated March 2012, reference J-B0348-R03, compiled by Opus International

Consultants (UK) Ltd), and include the following:

- **Full calculations detailing the existing surface water runoff rates for the Q_{BAR}, Q_{30} and Q_{100} storm events, and further demonstration that the system functions given the 3 l/s/ha limit;**
- **Full storm event simulation results with appropriate inputs and parameters demonstrating the surface water runoff rates for the Q_{BAR}, Q_{30}, Q_{100} and Q_{100} PLUS CLIMATE CHANGE storm events, of the critical storm season and duration;**
- **Full results of detailed modelling of the proposed drainage system in the above-referenced storm events, inclusive of all collection, conveyance, storage, flow control and disposal elements, together with an assessment of the system performance;**
- **Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions, and pipe reference numbers;**
- **Full details of the proposed attenuation and flow control measures, including dimensions, design and water levels, gradients and – where a vortex flow control is used – the manufacturer's design flow curve;**
- **Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites;**
- **Full details of the maintenance and/or adoption of the system inclusive of all collection, conveyance, storage, flow control and disposal elements.**

Reason: To prevent the increased risk of flooding, both on and off site.

15 **Details of the method of disposal of foul sewage for the site shall be submitted to and approved in writing by the Local Planning Authority before any work on the site commences. The drainage works shall be constructed in accordance with the approved plans.**

Reason: To ensure that adequate foul water drainage is provided to prevent pollution of the surrounding environment.

16 **No development shall commence 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 with archaeological interest in accordance with Policy 141 of the *National Planning Policy Framework*.

17 Details of bin storage/collection point shall be submitted to and approved by the Local Planning Authority. The bin storage/collection point shall be implemented in accordance with the approved details prior to the occupation of any dwelling.

Reason: In the interest of highway safety.

18 **Notwithstanding the landscaping details as submitted, revised details of planting along the west and north boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The details shall include:**

- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**
- **details of existing trees and hedgerows , indicating those to be retained and the method of their protection during development works; and**
- **measures to secure the management and maintenance of the landscape buffer along the northern boundary of the site.**

Notwithstanding condition no. 19, the landscaping works thereby approved shall be implemented within the first planting season following the granting of planning permission and shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and the amenities of adjoining properties.

19 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.

20 No removal of trees or hedgerows shall be carried out on site between March and September (inclusive) of any year unless previously agreed in writing by the Local Planning Authority.

Reason: To safeguard and protect the wintering/roosting/feeding/ resting/breeding locations of protected species.

21 The boundary treatment scheme hereby approved shall be completed in accordance with the approved scheme before the building(s) is/are occupied.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

22 Prior to the occupation of any dwelling details of the security measures to limit access to proposed rear pedestrian accesses of properties shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented prior to the occupation of the relevant plots.

Reason: In the interests of security.

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 **Prior to the Commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the local planning authority a scheme of noise attenuation measures which will ensure that internal noise levels from external road traffic noise shall not exceed 35 dB LAeq 07.00 – 23.00 in any habitable room or 30 dB LAeq 23.00 – 07.00 and 45 dB LAmax inside any bedroom and that external noise levels from road traffic noise sources shall not exceed 55 dB LAeq (1 hour) in out door amenity areas.**

i. Any works that form part of the scheme approved by the Local Authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.

Reason: In order to provide an acceptable noise environment and level of amenity for future occupants of the development.

25 **Prior to the commencement of development full details of the open space, including the play area, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:**

- **design and locations of seating and bins to be provided;**
- **design, height and location of fencing; and**
- **full details of equipment to be installed; and**
- **details of signage to be provided; and**
- **a future maintenance and management regime.**

The completed development shall accord with the approved details and in a timescale to be agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

26 **No development shall commence until a sustainability strategy has been submitted which demonstrates that a minimum of 10% of the energy needs of the development will be met from renewable or low carbon technologies. The development shall be implemented in**

accordance with the measures approved.

Reason: In the interests of securing sustainable forms of development.

27 No development shall commence until details of the final slab levels of the buildings 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.

28 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SHEF-02-100 Rev A, SHEF-02-105, SHEF-02-150 Rev A, SHEF-02-160 Rev A, SHEF-02-180 Rev A, SHEF-02-200 Rev A, SHEF-02-215/1 Rev A, SHEF-02-215/2 Rev A, SHEF-02-300 Rev A, SHEF-02-310 Rev A, SHEF-02-400, SHEF-02-700, SHEF-02-800, SHEF-02-900, SHEF-03-100 Rev A (Sheet 1of2), SHEF-03-100 Rev A (Sheet 2of2), SHEF-03-101, SHEF-03-102, SHEF-03-103, 249-E001 Rev B, 249-E004 Rev B, 249-E005 Rev B, 249-E006, 249-E007, SHEFF/200/01 Rev A, SHEFF/200/02 Rev A, SHEFF/200/03 Rev A, SHEFF/200/04 Rev A, SHEFF/200/05 Rev A, SHEFF/200/06, SHEFF/200/07 Rev A, SHEFF/200/08 Rev A, SHEFF/200/11 Rev A, SHEFF/200/12, SHEFF/200/13, SHEFF/200/14, SHEFF/200/15, SHEFF/200/16 Rev A, SHEFF/200/17 Rev A, SHEFF/200/18 Rev A, SHEFF/200/19 Rev A, SHEFF/200/20 Rev A, SHEFF/200/21, SHEFF/200/22, SHEFF/200/23 rev A, SHEFF/200/24 Rev A, SHEFF/200/25 Rev A, SHEFF/200/26 Rev A, SHEFF/200/27 Rev A, SHEFF/200/28 Rev A, SHEFF/200/29, LE1688.

Reason: For the avoidance of doubt.

Reasons for Granting

The site is allocated for residential development, and the proposal would not have an adverse impact on the character of the area or on the amenities of neighbouring dwellings. There would be no unacceptable impact on highway safety, or on biodiversity, archaeology, and the proposals for drainage are appropriate. As such the proposal complies with the National Planning Policy Framework, East of England Plan, policies, CS2, CS3, CS4, CS5, CS7, CS9, CS10, CS13, CS14, CS15, CS16, CS17, CS18, DM1, DM2, DM9, DM10, DM13, DM14, DM15 and DM16 of Core Strategy and Management Policies (2009), and policy MA6 of the Site Allocations Development Plan Document (2009).

NOTES

(1) In advance of the consideration of the application the Committtee were advised of additional consultation/publicity responses including a petition that had been signed by over 200 residents opposing the application. Four further letters of objection had been received. Two letters received from Agents acting on behalf of adjacent landowners. In addition comments from Anglian Water and Bedfordshire Rural Communities Charity were outlined.

(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. 15

APPLICATION NUMBER	**CB/12/01123/OUT**
LOCATION	**Bridge Farm, Ivel Road, Shefford, SG17 5LB**
PROPOSAL	**Outline Application: Commercial development for B1 office floor space up to 3, 247 sq. metres after demolition of existing buildings at the site with all matters reserved.**
PARISH	**Shefford**
WARD	**Shefford**
WARD COUNCILLORS	**Cllrs Birt & Brown**
CASE OFFICER	**Richard Murdock**
DATE REGISTERED	**20 April 2012**
EXPIRY DATE	**20 July 2012**
APPLICANT	**Bovis Homes Ltd**
AGENT	
REASON FOR COMMITTEE TO DETERMINE	**Request by Cllr Brown in light of public interest**
RECOMMENDED DECISION	**Outline Application - Granted**

Recommendation

That Planning Permission be granted subject to the following conditions and the applicant entering into a section 106 agreement.

1 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Sections 92 (2) (b) and (4) of the Town and Country Planning Act 1990.

2 Approval of the details of:-

(a) the layout of the building(s);
(b) the scale of the building(s);
(c) the appearance of the building(s);
(d) the means of access of the site;
(e) the landscaping of the site;

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and the development shall be implemented as approved.

Reason: To enable the Local Planning Authority to exercise control over the

said matters which are not particularised in the application for planning permission in accordance with Section 92 of the Town and Country Planning Act 1990 and Town and Country Planning (General Development Procedure) Order 1995.

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 (2) (a) and (4) of the Town and Country Planning Act 1990.

4 **No development shall commence 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 with archaeological interest in accordance with Policy 141 of the *National Planning Policy Framework*.

5 **Details of the method of disposal of foul sewage for the site shall be submitted to and approved in writing by the Local Planning Authority before any work on the site commences. The drainage works shall be constructed in accordance with the approved plans.**

Reason: To ensure that adequate foul water drainage is provided to prevent pollution of the surrounding environment.

6 **Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological 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 be based upon the principles within the agreed Flood Risk Assessment (dated March 2012, reference J-B0348-R03, compiled by Opus International Consultants (UK) Ltd), and shall also include:

- **Full calculations detailing the existing surface water runoff rates for the Q_{BAR}, Q_{30} and Q_{100} storm events;**
- **Full storm event simulation results with appropriate inputs and parameters demonstrating the surface water runoff rates for the Q_{BAR}, Q_{30}, Q_{100} and Q_{100} PLUS CLIMATE CHANGE storm events, of the critical storm season and duration;**
- **Full results of proposed drainage system modelling in the above-referenced storm events, inclusive of all collection, conveyance, storage, flow control and disposal elements, together with an assessment of the system performance;**
- **Detailed drawings of the entire proposed surface water drainage**

system, including levels, gradients, dimensions, and pipe reference numbers;

- **Full details of the proposed attenuation and flow control measures, including dimensions, design and water levels, gradients and – where a vortex flow control is used – the manufacturer's design flow curve;**
- **Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites;**
- **Full details of the maintenance and/or adoption of the system inclusive of all collection, conveyance, storage, flow control and disposal elements.**

Reason: To prevent the increased risk of flooding, and ensure future maintenance of the system.

7 No building shall be occupied until a travel plan for that unit has been submitted to and approved in writing by the Council, such a travel plan to include details of:

- Baseline survey of site occupants in relation to these current/proposed travel patterns;
- Predicted travel to and from the site and targets to reduce car use.
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.
- Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.
- Detailed 'Action Plan' to include specific timetabled measures designed to promote travel choice and who will be responsible
- Plans for monitoring and review, annually for a period of 5 years at which time the resulting revised action plan shall be submitted to and approved in writing by the planning authority.
- Details of provision of cycle parking in accordance with Central Bedfordshire Council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome pack to include:
    - Site specific travel and transport information,
    - Details of sustainable incentives (e.g. travel vouchers)
    - Maps showing the location of shops, recreational facilities, employment and educational facilities
    - Details of relevant pedestrian, cycle and public transport routes to/ from and within the site.
    - Copies of relevant bus and rail timetables together with discount vouchers for public transport and cycle purchase.
    - Details of the appointment of a travel plan co-ordinator.

No building shall be occupied prior to implementation of those parts identified in the Travel Plan [or implementation of those parts identified in the Travel Plan as capable of being implemented prior to occupation]. Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long

as any part of the development is occupied.

Reason: To promote sustainable modes of travel and to reduce the potential traffic impact of the development on the local highway network

8 **No development shall commence until details of the final ground and slab levels of the buildings 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.

9 Prior to the occupation of any units on the site a scheme shall be submitted for written approval by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected for that particular unit. The boundary treatment shall be completed in accordance with the approved scheme before the building(s) is/are occupied

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

10 **No development shall commence until details of the roundabout junction between the proposed estate road and Ivel Road 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.

11 Before any building hereby permitted is occupied, a scheme for the secure and covered parking of cycles associated with that building (including the internal dimensions of the cycle parking area, number of stands/brackets to be provided and access thereto), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the building to which it relates 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.

12 The quatum of floorspace shall not exceed 3,247 sq. metres of B1 floorspace.

Reason: For the avoidance of doubt

13 All plant, machinery and equipment installed or operated in connection with any commercial building hereby permitted shall be so enclosed, operated and/or attenuated so that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at 1m from the façade to the nearest noise sensitive property.

Reason: To prevent any adverse impact from plant noise on the amenity of existing and future residents in the locality.

14 Deliveries by commercial vehicles shall only be made to or from the commercial premises between 7:00am and 6:00pm Monday to Friday, 7:00am and 1:00pm on Saturdays, and at no time on Sundays, Bank or Public holidays.

Reason: To safeguard the amenities of adjoining residential properties.

15 No unit shall be used except between 7:00am and 7:00pm Monday to Friday, 7:00am and 5:00pm on Saturdays, and at no time on Sundays, Bank or Public holidays.

Reason: To safeguard the amenities of adjoining residential properties.

16 **Prior to the submission of any reserved matters application a survey of the site shall be undertaken to ascertain as to whether there are any bats roosting on the site. If any of the above species are found to exist the details of measures to be undertaken to safeguard these protected species then habitat protection measures shall be submitted to and approved in writing by the Local Planning Authority. The habitat protection measures shall be implemented to the satisfaction of the Local Planning Authority and in accordance with a timetable agreed in writing by the Local Planning Authority.**

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area.

17 No development works or removal of trees or hedgerows shall be carried out on site between March and September (inclusive) of any year unless previously agreed in writing by the Local Planning Authority.

Reason: To safeguard and protect the wintering/roosting/feeding/ resting/breeding locations of protected species.

18 No shrubs, hedges or trees existing on the site shall be removed or cut down without the prior written consent of the Local Planning Authority.

Reason: To safeguard the existing shrubs and hedges on the site in the interest of visual amenity.

19 Prior to the submission of any reserved matters application, details of a strategic landscape buffer to be provided along the south, west and east boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the

landscaping to be retained and provision of an additional 5 metre wide landscaping strip to be provided. The planting details shall include planting plans, including schedule of size, species, positions, density and times of planting;and cultivation details including operations required to establish new planting. The approved scheme shall be carried out prior to the occupation of any building on the site.

Reason: In the interests of the visual amenities of the area.

20 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.

21 No building shall be occupied until a scheme identifying bin storage and refuse collection points for that building has been submitted to and approved in writing with the Local Planning Authority. The scheme shall be wholly implemented in accordance with the approved scheme prior to any building is first being brought into use.

Reason: To ensure the safe collection of refuse for all residential dwellings.

22 **No development of any unit(s) shall commence until a sustainability strategy has been submitted which demonstrates that a minimum of 10% of the energy needs of that unit(s) will be met from renewable or low carbon technologies. The development shall be implemented in accordance with the measures approved.**

Reason: In the interests of securing sustainable forms of development.

23 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers (TBC).

Reason: For the avoidance of doubt.

Reasons for Granting

The site is allocated for employment development, and the proposal would not have an adverse impact on the character of the area or on the amenities of neighbouring dwellings. There would be no unacceptable impact on highway safety, or on biodiversity, archaeology, and the proposals for drainage are appropriate. As such the proposal complies with the National Planning Policy Framework, East of England Plan, policies, CS2, CS3, CS4, CS9, CS10, CS13, CS14, CS15, CS16, CS17, CS18, DM1, DM2, DM9, DM13, DM14, DM15 and DM16 of Core Strategy and Management Policies (2009), and policy MA6 of the Site Allocations Development Plan Document (2009).

Notes to Applicant

1. The reserved matters landscaping scheme shall include a five metre wide planting strip to be included along the southern boundary of the south and to the north of the existing hedge. This should include a mix of native planting consisting of both standard trees and bare root plantings to increase the screening of the site and to provide an improved wildlife corridor along this boundary.

NOTES

(1) In advance of the consideration of the application the Committee were advised of additional consultation including two further letters of objection, a letter recevied from the Agent acting on behalf of an adjacent landowner. The Internal Drainage Board no further comments to make. Anglian Water commenting on Wastewater treatment.

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Item No. 16

APPLICATION NUMBER	**CB/12/00938/FULL**
LOCATION	**Shefford Lower School, Bloomfield Drive, Shefford, SG17 5BU**
PROPOSAL	**Extensions and alterations to the rear and to the side, creation of two new play areas, extending car parking area together with internal modifications along with additional windows and doors to the existing building.**
PARISH	Shefford
WARD	**Shefford**
WARD COUNCILLORS	**Cllrs Birt & Brown**
CASE OFFICER	**Richard Murdock**
DATE REGISTERED	**20 March 2012**
EXPIRY DATE	**15 May 2012**
APPLICANT	**Central Bedfordshire Council**
AGENT	**QMP**
REASON FOR COMMITTEE TO DETERMINE	**Central Bedfordshire is the applicant and objections have been received to the application.**
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 **Prior to the commencement of development, a scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. The development shall be carried out in accordance with the approved scheme.**

Reason: To protect the visual amenities of the building and of the area generally.

3 Prior to the commencement of development, a scheme to control access to the school car park shall be submitted to and approved in writing by the Local Planning Authority. The measures approved shall be implemented prior to the occupation of the extension hereby approved.

Reason: In the interests of highway safety.

4 Prior to the occupation of the extension hereby approved, the applicant shall secure the implementation of a Traffic Regulation Order to restrict parking along School Lane on Mondays to Fridays (inclusive) between the hours of 08:00 and 09:00 and 15:00 and 16:00. The details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of highway safety.

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 asset in accordance with Policy 141 of the *National Planning Policy Framework*.

6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers M5314/A/A201.A, M5314/A/A202.A, M5314/A/A205.0, M5314/A/A206.A, M5314/A/A210.A, M5314/A/A220.0, M5314/A/A221.0, M5314/A/A225.A.

Reason: For the avoidance of doubt.

7. Before the extensions are first occupied, an update to the School Travel Plan (to include Acorn Pre-School and Children's Centre) to take into account the impact of the development hereby approved, shall be submitted to and approved by the Local Planning Authority. The plan shall contain details of:

- Plans for the establishment of a working group involving the school, the pre-school, and Children's Centre, parents and representatives of the local community
- Pupil travel patterns and barriers to sustainable travel
- Measure to reduce car use
- A car park management policy
- An action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review for 5 years

8. No development shall commence until details of the provision of additional cycle parking at the site has been submitted to and approved by the local planning authority. The cycle parking shall be provided as approved prior to the occupation of the buildings hereby permitted.

Reason: To reduce congestion and to promote the use of sustainable modes of transport.

Reasons for Granting

The proposed extension would not have an adverse impact on the character and

appearance of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety and archaeology therefore by reason of its site, design and location, is in conformity with Policies CS14, DM3, CS15 and DM13 of the Core Strategy and Management Policies, November 2009; National Planning Policy Framework 2012

Note to applicant: The applicant is advised that further information regarding the updating of the School Travel Plan is available from the Sustainable Transport Team, Central Bedfordshire Council, Technology House, Bedford MK42 9BD.

NOTES

(1) In advance of the consideration of the application the Committee were advised of additional consultation/publicity responses from nearby residents objecting to the proposal. Extra suggested Conditions were outlined to the Committee.

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

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Item No. 17

APPLICATION NUMBER	**CB/12/00645/OUT**
LOCATION	**Stables Rear Of 50, High Road, Shillington, SG5 3PJ**
PROPOSAL	**Outline Application: Residential development following demolition of existing garage and stable building. All matters reserved except access.**
PARISH	Shillington
WARD	**Silsoe & Shillington**
WARD COUNCILLORS	**Cllr MacKilligan**
CASE OFFICER	**Clare Golden**
DATE REGISTERED	**24 February 2012**
EXPIRY DATE	**25 May 2012**
APPLICANT	**City and County Projects Ltd.**
AGENT	**Woods Hardwick Planning**
REASON FOR COMMITTEE TO DETERMINE	**This is a Major application with an unresolved objection from Shillington Parish Council**
RECOMMENDED DECISION	**Outline Application - Granted**

Recommendation

That Planning Permission be **Granted** subject to the following conditions and completion of a Section 106 agreement:

1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Sections 92 (2) (b) and (4) of the Town and Country Planning Act 1990.

2 Approval of the details of:-

(a) the scale of the buildings;
(b) the appearance of the buildings;
(c) the landscaping of the site and
(d) layout

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and the development shall be implemented as approved.

Reason: To enable the Local Planning Authority to exercise control over the said matters which are not particularized in the application for planning

permission in accordance with Section 92 of the Town and Country Planning Act 1990 and Town and Country Planning (General Development Procedure) Order 1995.

3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 (2) (a) and (4) of the Town and Country Planning Act 1990.

4 **Prior to the commencement of development a scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. The development shall be carried out in accordance with the approved scheme.**

Reason: To protect the visual amenities of the building and of the area generally.

5 The number of dwellings on this site shall not exceed 20 units and shall comprise of the following:

Private:

7 x 4 bedroom
7 x 3 bedroom
2 x 2 bedroom

Total: 16

Affordable:

2 x 2 bedroom
2 x 3 bedroom

Total: 4

Reason: For the avoidance of doubt and to ensure that the number of dwellings and mix remains in accordance with the planning obligations sought for this development.

6 **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. 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.

7 **No development shall commence until a surface water strategy/flood**

risk assessment has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

8 **Prior to the commencement of the development hereby approved, a scheme outlining measures for ecological enhancements on the site through the development, shall be submitted to and approved by the Local Planning Authority. The scheme shall include the provision of bird and bat boxes.**

The weather van tower shall be dismantled by hand under the direction of a licensed bat worker to verify the absence of bats. Should bats be found to be present, works shall cease and the advice sought from Natural England.

There shall be no clearance of vegetation undertaken during the bird nesting season of March to August inclusive.

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

Reason: To ensure that the development does not have an adverse impact and supports the ecology and biodiversity on the site, in accordance with Policies CS18 and DM15 of the Adopted Core Strategy and Section 11 of the National Planning Policy Framework, 2012.

9 **Prior to the commencement of the development hereby approved, details of the proposed boundary treatment adjacent to No.s 1-11 Marshalls Avenue, and the means of mitigating against potential noise disturbance to these dwellings as a result of vehicle movements along the access road shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.**

Reason: To protect the amenity of the neighbouring residential occupiers.

10 **Before development commences details of the visitor parking spaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the visitor parking spaces have been constructed in accordance with the approved details.**

Reason: To provide adequate on site visitor parking provision.

11 **Development shall not begin until details of the junction between the proposed estate road and the 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.

12 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43.0m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, 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 which is likely to use it.

13 **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.

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

15 The maximum gradient of all vehicular accesses onto the estate roads shall be 10% (1 in 10).

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

16 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.

17 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

18 The driveway length in front of the garages shall be at least 6.0m as measured from the garage doors to the highway boundary.

Reason: To ensure that parked vehicles do not adversely affect the safety and convenience of road users by overhanging the adjoining public highway.

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 all site exits 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 **Development shall not begin until a scheme to restrict the speed of traffic on the estate road has been approved by the Local Planning Authority and no building shall be occupied until that scheme has been implemented in accordance with the approved details.**

Reason: In the interests of road safety.

22 The access shall have a minimum width of 5.0m.

Reason: In the interest of road safety and for the avoidance of doubt.

23 The development shall not be brought into use until a turning space for 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 vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles on to the highway.

24 **Prior to the commencement of the development hereby approved, details of a refuse collection point located outside of the public highway shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall be fully implemented in accordance with these details prior to the occupation of any dwelling and shall be retained thereafter.**

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

25 **Prior to the commencement of the development hereby approved, details of the achievable forward visibility curve shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the forward visibility curve has been constructed in accordance with the approved details, and thereafter the forward visibility curve as indicated on the approved drawing and the highway boundary shall be kept free in perpetuity from all obstructions.**

Reason: In the interests of road safety.

26 **Prior to the commencement of the development hereby approved, details of the service margin around the proposed highway adoptable areas of the site, inclusive of the turning head and along the channel of the carriageway at plots 1-3 shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until the service margin has been constructed in accordance with the approved details.**

Reason: For the avoidance of doubt.

27 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 16660/1003; 16660/1003C; 13885/2001B.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development is acceptable in principle and would not have a detrimental impact on the character and appearance of the surrounding area, the residential amenities of neighbouring properties or the local highway network; as such it is considered to be in conformity with policies CS1, CS2, CS4, CS7, DM3 and DM4 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; and the National Planning Policy Framework, 2012. Furthermore, the proposal is in conformity with supplementary planning guidance Design in Central Bedfordshire - A guide for development and Planning Obligations Strategy (2008).

Notes to Applicant

1. 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.

2. The applicant is advised that if it is the intention to request the Central Bedfordshire County 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.

3. The applicant is advised that in order to comply with Condition 13 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.

   All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in central Bedfordshire (Design Supplemement 7 – Movement, Street and Places" and the Department of the Environment/Department of Transport's "Manual for Street", or any amendment thereto.

4. The applicant is advised that further information regarding the updating of the School Travel Plan is available from the Sustainable Transport Team, Central Bedfordshire Council, Technology House, Bedford MK42 9BD.

NOTES

(1) In advance of the consideration of the application the Committee were advised of additional consultation and publicity responses from nearby residents objecting to the proposal. Additional Conditions were suggested.

(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. 18

APPLICATION NUMBER	**CB/12/00925/LB**
LOCATION	**10 Market Square, Potton, Sandy, SG19 2NP**
PROPOSAL	**Listed Building: Erection of sign to side of building.**
PARISH	Potton
WARD	**Potton**
WARD COUNCILLORS	**Cllrs Mrs Gurney & Zerny**
CASE OFFICER	**Clare Golden**
DATE REGISTERED	**05 April 2012**
EXPIRY DATE	**31 May 2012**
APPLICANT	**Mrs Patricia King**
AGENT	
REASON FOR COMMITTEE TO DETERMINE	**Cllr Zerny has called the application to the Development Management Committee on the grounds that the sign is out of character with the conservation area.**
RECOMMENDED DECISION	**Listed Building - Granted**

Recommendation

That Listed building consent be **Granted** subject to the following:

1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: CBC/001; CBC/002; ML/1; ML/2.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal would not not result in material harm to the special architectural and historic interest of the Listed Building as a Heritage Asset and therefore, by reason of its siting, design and location, would be in accordance with Policies DM3, DM13 and CS15 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework. It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

NOTE

(1) In advance of the consideration of the application the Committee were advised of additional representations received from adjacent occupiers, a letter from Potton Town Council confirming their reason fro objection

Item No. 19

APPLICATION NUMBER	**CB/12/00356/ADV**
LOCATION	**10 Market Square, Potton, Sandy, SG19 2NP**
PROPOSAL	**Advertisement Consent: Board advertisement on wall (retrospective)**
PARISH	Potton
WARD	**Potton**
WARD COUNCILLORS	**Cllrs Mrs Gurney & Zerny**
CASE OFFICER	**Clare Golden**
DATE REGISTERED	**05 April 2012**
EXPIRY DATE	**31 May 2012**
APPLICANT	**Mrs King**
AGENT	
REASON FOR COMMITTEE TO DETERMINE	**Cllr Zerny has called the application to the Development Management Commottee on the grounds that the sign is out of character with the conservation area.**
RECOMMENDED DECISION	**Advertisement - Granted**

Recommendation

That Advertisement Consent be **Granted** subject to the following:

1 This express consent shall expire at the end of a period of three years from the date of the consent.

Reason: To comply with the provisions of Regulation 16(2)(c) of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: Standard condition required by the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

3 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: Standard condition required by the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

4 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: Standard condition required by the Town and Country Planning (Control of Advertisement) Regulations 2007.

5 No advertisement shall be sited or displayed so as to

- endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

- obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

- hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: Standard condition required by the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: CBC/001; CBC/002; ML/1; ML/2.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal, by reason of its siting, design and location would have no adverse impact on the surrounding visual amenity, conservation area or highway safety and is in conformity with Policy DM3 of the Core Strategy and Development Management Policies, 2009 and the Adopted Design Guide SPD, 'Design in Central Bedfordshire: Shopfronts and Signage', 2010, and the National Planning Policy Framework, 2012.

NOTE

(1) In advance of the consideration of the application the Committee were advised of additional representations received from adjacent occupiers, a letter from Potton Town Council confirming their reason fro objection

Item No. 20

APPLICATION NUMBER	**CB/12/01201/FULL**
LOCATION	**64 High Road, Beeston, Sandy, SG19 1PB**
PROPOSAL	**Erection of two warehouses (use class B8)**
PARISH	Sandy
WARD	**Sandy**
WARD COUNCILLORS	**Cllrs Aldis, Maudlin & Sheppard**
CASE OFFICER	**Clare Golden**
DATE REGISTERED	**03 April 2012**
EXPIRY DATE	**29 May 2012**
APPLICANT	**B G Timber**
AGENT	**DLP Planning Ltd**
REASON FOR COMMITTEE TO DETERMINE	**Cllr Aldis has called the application to the Development Management Committee on the grounds of scale of the buildings, highway safety and impact of floodlighting.**
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 development hereby approved shall be carried out in materials as set out in the application form, unless otherwise agreed in writing by the Local Planning Authority.

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 building(s) and the visual amenities of the locality.

3 **Before the development hereby permitted is commenced; details of a scheme showing the provision of 19 car parking spaces and 7 HGV parking spaces to serve the new warehouses shall be submitted to and approved by the Local Planning Authority. The details to be approved shall include the proposed materials for construction and 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. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

4 **No development shall commence unless and until the developer has submitted to and had approved in writing by the local planning authority in consultation with the Highways Agency, the following design details relating to the required improvements to the access off the A1. The scheme shall generally conform to the arrangements shown in outline on RPS drawing: Job No: JKK6849 - Drg No: 100 - Rev B of CB/11/01546/FULL.**

Scheme details shall include drawings and documents showing:

i) how the improvement interfaces with the existing highway alignment and carriage way markings including lane destinations,
ii) full construction details relating to the highway improvement. This should include any modification toe existing structures or proposes structures, with supporting analysis,
iii) full signing and lighting details where applicable,
iv) confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards),
v) an independent stage 2 Road Safety Audit (taking account of any stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes, and

2. Development of the site using the existing access off the A1 trunk road will only be permitted on completion and approval of the access improvements.

Reason: To ensure that the A1 will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980, and for the safety of traffic on that road. In pursuance with this requirement, the Highways Agency must be satisfied with all the details of the proposed improvement to access off the A1 prior to the commencement of construction work.

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 in accordance with Policy 141 of the National Planning Policy Framework (NPPF).

6 The use of the warehouse buildings hereby approved shall be solely in conjunction with the use of the site as a commercial timber yard as approved by CB/11/01546/FULL.

Reason: For the avoidance of doubt and to preserve the residential amenity of neighbouring properties in accordance with Policy DM3 of the Adopted Core Strategy Development Management Policies.

7 There shall be no machinery used at the site, goods moved within the site or deliveries received or dispatched outside the hours of 0730 hours and 1800 hours Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: To preserve the residential amenity of neighbouring properties in accordance with Policy DM3 of the Adopted Core Strategy Development Management Policies.

8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: PL01 E; PL04 B; PL05 C; 100 B.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety and archaeology, and therefore by reason of its site, design and location, is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009, the National Planning Policy Framework, Adopted 2012, in particular, paragraph 56 relating to good design, and is in accordance with technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

NOTE

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

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Item No. 21

APPLICATION NUMBER	**CB/12/01268/LB**
LOCATION	**16 Ickwell Green, Ickwell, Biggleswade, SG18 9EE**
PROPOSAL	**Proposed First Floor Link Internal Alterations**
PARISH	Northill
WARD	**Northill**
WARD COUNCILLORS	**Cllr Mrs Turner**
CASE OFFICER	**Clare Golden**
DATE REGISTERED	**13 April 2012**
EXPIRY DATE	**08 June 2012**
APPLICANT	**Mr Turner**
AGENT	**Richard Beaty (Building Design) Ltd**
REASON FOR COMMITTEE TO DETERMINE	**The applicant is related to Cllr Tricia Turner.**
RECOMMENDED DECISION	**Listed Building - Granted**

Recommendation

That Listed building consent be **Granted** subject to the following:

1 The works hereby consented shall be begun within three years of the date of this consent.

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 **Prior to the commencement of the development, samples of all the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented solely in accordance with the approved details.**

Reason: To safeguard the appearance of the completed development and preserve the setting of the statutorily listed building in accordance with CS15, DM13 and Sections 7 and 12 of the National Planning Policy Framework, 2012.

3 **The roof lights hereby approved shall be of a conservation roof light format, constructed of metal, with a central mullion detail, and fitted to be flush, following the plane of the roof. The submitted details shall specify the exact size and manufacturers details. The scheme shall be implemented solely in accordance with these agreed details.**

Reason: To safeguard the appearance of the completed development and preserve the setting of the statutorily listed building in accordance with CS15, DM13 and Sections 7 and 12 of the National Planning Policy Framework, 2012.

4 Following the carrying out or completion of the building operations or alterations for which consent is hereby granted, all making good of the existing building shall be carried out in materials and finishes which closely match those used in the existing building or structure to the satisfaction of the Local Planning Authority.

Reason: To safeguard the appearance of the completed development and preserve the setting of the statutorily listed building in accordance with CS15, DM13 and Sections 7 and 12 of the National Planning Policy Framework, 2012.

5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 11.50.OSmap; 11.50.01.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed extension and alterations would preserve the special interest of the listed building as a designated Heritage Asset. Therefore, by reason of its site, design and location, the proposal is in conformity with Policies CS15, DM3 and DM13 of the Core Strategy and Management Policies, November 2009; the National Planning Policy Framework, Adopted 2012, in particular, paragraph 56 relating to good design, and paragraph 126 which relates to the conservation and enhancement of the historic environment. It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

DECISION

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Item No. 22

APPLICATION NUMBER	**CB/12/01267/FULL**
LOCATION	**16 Ickwell Green, Ickwell, Biggleswade, SG18 9EE**
PROPOSAL	**Proposed First Floor Link Internal Alterations**
PARISH	Northill
WARD	**Northill**
WARD COUNCILLORS	**Cllr Mrs Turner**
CASE OFFICER	**Clare Golden**
DATE REGISTERED	**13 April 2012**
EXPIRY DATE	**08 June 2012**
APPLICANT	**Mr Turner**
AGENT	**Richard Beaty (Building Design) Ltd**
REASON FOR COMMITTEE TO DETERMINE	**The applicant is related to Cllr Tricia Turner.**
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 **Prior to the commencement of the development, samples of all the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented solely in accordance with the approved details.**

Reason: To safeguard the appearance of the completed development and preserve the setting of the statutorily listed building in accordance with CS15, DM13 and Sections 7 and 12 of the National Planning Policy Framework, 2012.

3 **The roof lights hereby approved shall be of a conservation roof light format, constructed of metal, with a central mullion detail, and fitted to be flush, following the plane of the roof. The submitted details shall specify the exact size and manufacturers details. The scheme shall be implemented soley in accordance with these agreed details.**

Reason: To safeguard the appearance of the completed development and preserve the setting of the statutorily listed building in accordance with CS15, DM13 and Sections 7 and 12 of the National Planning Policy Framework, 2012.

4 Following the carrying out or completion of the building operations or alterations for which consent is hereby granted, all making good of the existing building shall be carried out in materials and finishes which closely match those used in the existing building or structure to the satisfaction of the Local Planning Authority.

Reason: To safeguard the appearance of the completed development and preserve the setting of the statutorily listed building in accordance with CS15, DM13 and Sections 7 and 12 of the National Planning Policy Framework, 2012.

5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 11.50.OSmap; 11.50.01.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed extension and alterations would preserve the character and appearance of the conservation area and special interest of the listed building. The proposals would also preserve the residential amenity of neighbouring properties, archaeology and preserve highway safety. Therefore, by reason of its site, design and location, the proposal is in conformity with Policies CS15, DM3 and DM13 of the Core Strategy and Management Policies, November 2009; the National Planning Policy Framework, Adopted 2012, in particular, paragraph 56 relating to good design, and paragraph 126 which relates to the conservation and enhancement of the historic environment. It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

DECISION

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Item No. 23

APPLICATION NUMBER	**CB/12/01329/RM**
LOCATION	**Land off of Chapel Close, Clifton, Shefford, SG17 5YG**
PROPOSAL	**Details of reserved matters (appearance, landscaping, layout and scale) for the erection of 11 houses with associated parking and landscaping pursuant to outline planning permission CB/09/06296/OUT dated 30/11/2010 for residential development of up to 12 dwellings with all matters except access reserved**
PARISH	Clifton
WARD	**Arlesey**
WARD COUNCILLORS	**Cllrs Dalgarno, Drinkwater & Wenham**
CASE OFFICER	**Nikolas Smith**
DATE REGISTERED	**10 April 2012**
EXPIRY DATE	**10 July 2012**
APPLICANT	**Warden Developments Ltd**
AGENT	**Levitt Partnership**
REASON FOR COMMITTEE TO DETERMINE	**Cllr Drinkwater on the grounds of over development leading to a poor layout given the position within the village and surrounding area.**
RECOMMENDED DECISION	**Full Application - Granted**

Recommendation:

That Planning Permission be granted subject to the following conditions:

1 The cycle parking, car parking, landscaping and bin storage areas shall be provided prior to the occupation of any of the units and shall be permanently retained thereafter.

Reason: To ensure that adequate parking and waste collection facilities are provided for future occupiers.

2 **Prior to the commencement of development a scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. The development shall be carried out in accordance with the approved scheme.**

Reason: To protect the visual amenities of the building and of the area generally.

3 The turning space for vehicles illustrated on the approved Plan (100 B) shall be constructed before the development is first brought into use.

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

4 **Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.

5 Notwithstanding any provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no further window or other opening shall be formed on any elevations of any of the plots hereby approved.

Reason: To protect the amenities of occupiers of neighbouring properties.

6 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no extensions or outbuildings other than those shown on the approved drawings shall be formed at the site without the written approval of the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties and living conditions for future occupiers.

7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 100 B, 101, 102, 103, 104 A, 105, 106, 107, 108 A and 110.

Reason: For the avoidance of doubt.

Reason for approval:

The development would cause no harm to the appearance of the site or the street scene, would cause no harm to living conditions at neighbouring houses and would cause no harm to the safe and free flow of traffic. It would be in accordance with the objectives of the National Planning Policy Framework (2012), Policies DM3 (High Quality Development), DM4 (Development Within and Beyond Settlement Envelopes), DM10 (Housing Mix) and DM15 (Biodiversity) of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and Design Supplements 1 (New Residential Development) and 7 (Movement, Streets and Places) of Design in Central Bedfordshire (a Guide for Development) (2010).

NOTES

(1) In advance of the application the Committee were advised of correspondence received from nearby residents

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

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Item No. 24

APPLICATION NUMBER	**CB/12/01510/FULL**
LOCATION	**2 - 6 High Street, Biggleswade, SG18 0JA**
PROPOSAL	**Part demolition rear outbuilding, reconstruction of outbuilding including pitched roof, construction of external staircase within courtyard, change of use to part first floor and ground floor to holistic health centre, change of use part ground floor from residential to commercial cafe kitchen use, change of use from hairdressing salon to hot food cafe and refurbishment various elements of building**
PARISH	**Biggleswade**
WARD	**Biggleswade North**
WARD COUNCILLORS	**Cllrs Jones & Mrs Lawrence**
CASE OFFICER	**Nikolas Smith**
DATE REGISTERED	**25 April 2012**
EXPIRY DATE	**20 June 2012**
APPLICANT	**Ms Kenny**
AGENT	**Triad Planning & Design Ltd**
REASON FOR COMMITTEE TO DETERMINE	**The corresponding application for Listed Building Consent was called to Committee by Cllr J Lawrence because of the sites location, heritage status and because of local interest**
RECOMMENDED DECISION	**Full Application - Granted**

Recommendation:

That Planning Permission be granted 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 extraction vents shall be installed in to any external wall unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect the appearance of the site and to control noise and odours.

3 The bin storage area shown on drawing number 12-752-P-05 shall be provided before the commencement of the A3 use at the site and shall be permanently retained thereafter.

Reason: To ensure that waste and recycling is properly stored and collected.

4 The uses hereby approved shall not operate except between the hours of 0730 to 2100 on Mondays to Saturdays and 0830 to 1800 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of neighbouring buildings and uses.

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 141 of the *National Planning Policy Framework*.

6 **A scheme for sound insulation shall be submitted to and approved by the Local Planning Authority to ensure that noise & vibration from the hereby permitted commercial uses is not to the detriment of future occupiers of the residential units in the building. The scheme approved by the Local Planning Authority in writing shall be fully implemented in accordance with the approved details before the uses, the subject of this consent, commence. The works and scheme shall thereafter be maintained in accordance with the approved details.**

Reason: To protect the amenity of future occupiers of the development.

7 Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: To protect neighbouring amenity.

8 **Equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the commercial food use continues. Full details of the method of odour abatement and all odour abatement equipment to be used, including predicted noise levels of the equipment in operation, shall be submitted to and approved by the Local Planning Authority prior to the installation of the equipment. The approved equipment shall be installed as approved prior to the use hereby permitted commencing.**

Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of residents.

9 **The kitchen ventilation system approved in accordance with condition 8 above, shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if it has distinguishable**

characteristics or there is a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling.

Reason: To protect residents from any adverse impact from noise arising from the kitchen extract ventilation system.

10

Notwithstanding the provisions of the Town and Country Planning Act (Use Classes Order) the building shall not be used in any other way than as:

A holistic health/yoga centre;

A hot food café

A Hairdressing salon; and/or

Residential units

In accordance with the approved floor plans without the prior written consent of the local planning authority.

Reason: To protect amenity at neighbouring sites.

Reason for approval:

The development would cause no harm to the appearance of the site or to the special architectural or historic character of the listed building, would preserve the character and appearance of the Conservation Area, would cause no harm to living conditions at neighbouring buildings and would not result in harm to highway safety. Further, the uses would promote the continued use of the building and would be appropriate in this town centre location. The development would be in accordance with the objectives of the National Planning Policy Framework (2012), Policies DM3 (High Quality Development), DM7 (Development in Town Centres) and DM13 (Heritage in Development)of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and Design Supplements 3 (Town Centre and Infill Development) and 5 (the Historic Environment) of Design in Central Bedfordshire (a Guide to Development) (2010).

INFORMATIVE

The applicant is advised to make contact with representatives of St Andrews Church to explore methods of ensuring that the site operates in such a way as is sensitive to the needs of the Church and its visitors.

NOTES

(1) In advance of the application the Committee were advised of additional Consultation including a petition containing 589 signatures. Comments from St Andrews Church and an additional letter that had been circulated to Members from the Church reinforcing their objection. In response to the objection recommended conditions were suggested.

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

Item No. 25

APPLICATION NUMBER	**CB/12/01511/LB**
LOCATION	**2- 6 High Street, Biggleswade, SG18 0JA**
PROPOSAL	**Part demolition rear outbuilding, reconstruction of outbuilding including pitched roof, construction of external staircase within courtyard, change of use to part first floor and ground floor to holistic health centre, change of use part ground floor from residential to commercial cafe kitchen use, change of use from hairdressing salon to hot food cafe and refurbishment various elements of building**
PARISH	**Biggleswade**
WARD	**Biggleswade North**
WARD COUNCILLORS	**Cllrs Jones & Mrs Lawrence**
CASE OFFICER	**Nikolas Smith**
DATE REGISTERED	**25 April 2012**
EXPIRY DATE	**20 June 2012**
APPLICANT	**Ms Kenny**
AGENT	**Triad Planning & Design Ltd**
REASON FOR COMMITTEE TO DETERMINE	**The application was called to Committee by Cllr J Lawrence because of the sites location, heritage status and because of local interest**
RECOMMENDED DECISION	**Listed Building - Granted**

Recommendation:

That Listed Building Consent be granted subject to the following conditions:

1 The works shall begin not later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 **Prior to any building works being first commenced, detailed drawings of all proposed new &/ or replacement doors & windows, together with a detailed specification of the materials, construction & finishes, shall be submitted to & approved in writing by the Local Planning Authority. Details shall be provided which clearly show (as appropriate)- a section of the glazing bars, frame mouldings, door panels, the position of the door or window frame in relation to the face of the wall, depth of reveal, arch & sill detail.**

Reason: To ensure that the special architectural or historic interest of the building or structure, its character & appearance is properly

preserved, maintained & enhanced, in accordance with standard conservation good practice.

3 Following the carrying out or completion of the building operations or alterations for which consent is hereby granted, all *making good* of the existing building shall be carried out in materials & finishes which closely match, like-for-like, those historic materials & finishing details used in the existing building or structure- to accord with usual conservation good practice & to the satisfaction of the Local Planning Authority. If there is any doubt regarding the approach to any proposed making good, or any alternative materials are proposed, a precise specification of the materials & finishes should be submitted to & agreed in writing by the LPA.

Reason: To ensure that the special architectural & historic interest, character & appearance of the building is properly maintained, in accordance with standard conservation good practice.

4 None of the components, members or elements comprising the structural timber frame & fabric – including the infill panel material, stave or wattle & daub or brick, stone & plaster- of the building shall be cut, damaged, altered or otherwise detrimentally changed- other than those parts specifically identified within the submitted detailed annotated working drawings & precise schedule of works relating to the timber frame. All such alteration works shall be in accordance with usual *conservation good practice* & forming part of the agreed specification, method statement & approach stated in the listed building consent. Sandblasting or any other abrasive cleaning is not acceptable.

Reason: To ensure that the special architectural or historic interest of the building or structure, its character & appearance is properly preserved, maintained & enhanced, in accordance with standard conservation good practice.

5 All rainwater goods shall be cast iron. As an alternative, cast aluminium may be acceptable, in certain circumstances, though this is to be specifically justified & agreed in writing by the Local Planning Authority if it is proposed to specify cast aluminium. Plastic or uPVC rainwater goods are not acceptable.

Reason: To ensure that the special architectural & historic interest, character, appearance & integrity of the listed building or other historic building is properly maintained & to accord with standard conservation good practice.

6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [12-752-P-01, 02, 03, 04, 15, 06, 07 and 12-752-BR-10].

Reason: For the avoidance of doubt.

Reason for approval:

The development would cause no harm to the special architectural and historic character of the listed building and would be in accordance with the objectives of the National Planning Policy Framework (2012), Policies Dm3 (High Quality Development) and DM13 (Heritage in Development) of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and Design Supplement 5 (the Historic Environment) of Design in Central Bedfordshire (a Guide for Development) (2010).

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Item No. 26

APPLICATION NUMBER	**CB/12/01007/FULL**
LOCATION	**Land at 3 Olivers Lane, Stotfold, Hitchin, SG5 4DH**
PROPOSAL	**Erection of 3 bedroom dwelling**
PARISH	Stotfold
WARD	**Stotfold & Langford**
WARD COUNCILLORS	**Cllrs Clarke, Saunders & Saunders**
CASE OFFICER	**Mark Spragg**
DATE REGISTERED	**14 March 2012**
EXPIRY DATE	**09 May 2012**
APPLICANT	**DPS Prestige Developments Ltd**
AGENT	**G C Planning Partnership Ltd**
REASON FOR COMMITTEE TO DETERMINE	**Called in by Cllr Brian Saunders on the basis of the objection reasons made by the Town Council (overdevelopment, design, footpath safety, overlooking)**
RECOMMENDED DECISION	**Full Application - Granted**

RECOMMENDATION

APPROVE Planning Permission subject to the following condition:

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 A scheme shall be submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof. The development shall be carried out in accordance with the approved scheme.

Reason: To protect the visual amenities of the building and of the area generally.

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.

4 **A scheme shall be submitted for written approval by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the building is occupied, in accordance with a timescale agreed in writing with the Local Planning Authority.**

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

5 **Before the development commences a triangular vision splay shall be provided on each side of the access of no. 3 Olivers Lane and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8, 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 access, and to make the access safe and convenient for the traffic which is likely to use it.

6 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to be agreed in writing by the Local Planning Authority. 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 or into the main drainage system.

Reason: In order to minimise the impact on highway safety.

7 The development shall not be brought into use until a turning space suitable for service/delivery/ambulance sized 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 vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles into the public highway.

8 **Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.

9 **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.

10 The velux windows in the south east facing elevation shall be fitted with obscure glazing where the window height is less than 1.7m above the floor level in the room where the window is installed.

Reason: In the interests of neighbouring amenity.

11 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for the extension of the building hereby approved nor any material alteration of their external appearance including any further windows until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of neighbouring properties and on the basis that the infrastructure contributions are based on a 3 bedroom dwelling.

12 The garage hereby permitted shall be kept available for the parking of motor vehicles at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure adequate parking within the site, in the interests of highway safety.

13 **Before development begins, a landscaping scheme to include any hard surfaces shall be 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.

14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [SC/02-P1, SC/01-P4].

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development is considered acceptable in form, design and scale and would not cause harm to the amenities of neighbouring properties or to highway safety. As such the proposal is in conformity with the National Planning Policy Framework and policies CS1, CS2, DM3 and DM4 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; A Guide for Development - *Design Supplement 1: New Residential Development* (2009). The proposal is therefore acceptable and planning permission should be granted subject to conditions.

Notes to Applicant

1. 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 Ampthill Road, Bedford MK42 9BD.

2. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

3. Care should be taken when moving rubble piles within the site to prevent any harm to animals that may be sheltering. Removal of any trees within the site should be avoided during the nesting season (March to August inclusive)

4. 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.

NOTES

(1) In advance of the consideration of the application the Committtee were advised that the Appeal decision was attached to the Committee report.

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