

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 19 June 2013

### PRESENT

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

|       |                     |       |            |
|-------|---------------------|-------|------------|
| Cllrs | P N Aldis           | Cllrs | K Janes    |
|       | A R Bastable        |       | D Jones    |
|       | R D Berry           |       | T Nicols   |
|       | M C Blair           |       | I Shingler |
|       | D Bowater           |       | B J Spurr  |
|       | Mrs C F Chapman MBE |       | J N Young  |
|       | I Dalgarno          |       |            |

Apologies for Absence: Cllrs A D Brown  
Mrs S Clark  
Ms C Maudlin

Substitutes: Cllrs L Birt (In place of A D Brown)  
Mrs R B Gammons (In place of Mrs S Clark)  
R W Johnstone (In place of Ms C Maudlin)

Members in Attendance: Cllrs P A Duckett  
Mrs D B Gurney  
Mrs M Mustoe  
B Saunders  
M A Smith  
Mrs P E Turner MBE  
R D Wenham,

|                         |                |   |
|-------------------------|----------------|---|
| Officers in Attendance: | Mrs M Clampitt | Committee Services Officer  |
|                         | Mr J Clements  | Planning Officer  |
|                         | Mr M Cornell   | Principal Highway Engineer  |
|                         | Mr A Davie     | Head of Development Management                                      |
|                         | Mrs V Davies   | Principal Planning Officer  |
|                         | Mr A Emerton   | Managing Solicitor Planning, Property,<br>Highways & Transportation |
|                         | Miss A Gammell | Senior Planning Officer   |
|                         | Mr D Hale      | Planning Manager South  |
|                         | Mr D Lamb      | Planning Manager East   |
|                         | Mr N Smith     | Senior Planning Officer   |
|                         | Mr J Spurgeon  | Principal Planning Officer  |

DM/13/32 **Chairman's Announcements**

The Chairman of the Committee advised that the Order of Business would be varied as follows:

Items 6, 7, 8, 10, 11 and 16 would be considered in the morning session.

Items 16, 9, 12, 14, 17, 18, 13 and 19 would be considered in the afternoon session.

The Chairman reminded Councillors and members of the public to silence their mobile phones for the duration of the meeting.

The Chairman provided the members of the public with an overview of how an application would be considered including the running order of speakers.

Subject to the declarable interests all Members of the Committee have the right to vote on all matters of business considered by the Committee.

Rule No 13.5.5 of the Constitution states that Members do not vote or take part in the meeting's discussions on a proposal unless they have been present to hear the entire debate, including the Officer's introduction to the matter.

The Chairman, under Part E3 paragraph 9.2 has a second casting vote should there be equal numbers of votes for and against an item. This provision makes it quite clear that the Chairman is entitled to vote on any item of business. There is no restriction or limitation on how the second or casting vote should be exercised nor is there a requirement that the right be exercised at all.

DM/13/33 **Minutes**

**RESOLVED**

**that the Minutes of the meeting of the Development Management Committee held on the 22 May 2013 be confirmed and signed by the Chairman as a correct record, subject to a correction on page 7 which should read:**

**“Prior to consideration of Item 11 – Councillors T Nicols and P N Aldis left the chamber”.**

DM/13/34 **Members' Interests**

(a) **Personal Interests:-**

| <b>Member</b>      | <b>Item</b> | <b>Nature of Interest</b>                                | <b>Present or Absent during discussion</b> |
|--------------------|-------------|--|--|
| Cllr Mrs R Gammons | 15          | Received a letter  | Present                                    |
| Cllr Mrs R Gammons | 11          | Received an email  | Present                                    |
| Cllr A Shadbolt    | 6           | Received communications                                  | Present                                    |
| Cllr K C Matthews  | 15          | Acquainted with the agent                                | Present                                    |
| Cllr K C Matthews  | 6           | Acquainted with Chair of Clophill PC                     | Present                                    |
| Cllr K C Matthews  | 10          | Knows representative from Parish Council and an objector | Present                                    |
| Whole of Committee | 10          | Knows speaker for Parish Council former CBC Councillor   | Present                                    |
| Cllr K C Matthews  | 9           | Knows speaker  | Present                                    |
| Cllr M Blair       | 9           | Knows speaker  | Present                                    |
| Cllr I Shingler    | 10          | Knows speaker  | Present                                    |
| Cllr N Young       |             | As Portfolio Holder knows many agents speaking           | Present                                    |
| Cllr M Blair       | 6           | Knows speaker  | Present                                    |
| Cllr K Janes       | 17          | Is a care home owner                                     | Present                                    |
| Cllr K Janes       | 18          | Is a care home owner                                     | Present                                    |
| All of Committee   | 19          | Applicant is CBC Councillor                              | Present                                    |

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

| <b>Member</b>     | <b>Item</b> | <b>Nature of Interest</b>                                     | <b>Present or Absent during discussion</b> |
|-------------------|-------------|---|--|
| Cllr R D Berry    | 16          | Member of Leighton Linslade Town Council – possible statement | Absent                                     |
| Cllr D Bowater    | 16          | Member of Leighton Linslade Town Council – possible statement | Absent                                     |
| Cllr A R Shadbolt | 16          | Member of Leighton Linslade Town Council – possible           | Absent                                     |

|                  |    |   |        |
|------------------|----|---|--------|
|                  |    | statement                               |        |
| Cllr R Johnstone | 16 | Member of Leighton Linlade Town Council | Absent |
| Cllr B Spurr     | 16 | Member of Leighton Linlade Town Council | Absent |
| Cllr B Spurr     | 8  | Knows owner of farm                     | Absent |
| Cllr T Nicols    | 6  | Knows objector                          | Absent |

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

| <b>Member</b>     | <b>Item</b> | <b>Parish/Town Council</b> | <b>Vote Cast</b> |
|-------------------|-------------|----------------------------|------------------|
| Cllr A R Bastable | 10          | Cranfield Parish Council   | Did not vote     |

DM/13/35 **Planning Enforcement Cases Where Formal Action Has Been Taken**

**RESOLVED**

**That the update on Planning Enforcement cases where formal action has been taken be noted.**

DM/13/36 **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 conditions.

**Prior to consideration of item 6 - Cllr T Nicols had withdrawn from the Chamber.**

DM/13/37 **Planning Application No. CB/13/00985/FULL**

**RESOLVED**

**That Planning Application No. CB/13/00985/FULL relating to Paradise Farm, The Causeway, Clophill, Beds MK45 4BA be approved as set out in the Schedule appended to these Minutes. Subject to a site plan being submitted and approved in consultation with the Chairman, Vice-Chairman and Ward Member.**

**Prior to consideration of item 7 - Cllr Nicols returned to the Chamber.**

**DM/13/38 Planning Application No. CB/13/01378/VOC**

**RESOLVED**

**That Planning Application No. CB/13/01378/VOC relating to Plot 1, Magpie Farm, Hill Lane, Upper Caldecote, Biggleswade SG18 9DP be approved as set out in the Schedule appended to these Minutes. Subject to a site plan being submitted within 1 month and approved in consultation with the Chairman, Vice-Chairman and Ward Member and the additional sewage condition.**

**Prior to consideration of Item 8 - Cllr B Spurr had withdrawn from the Chamber**

**DM/13/39 Planning Application No. CB/13/1223/VOC**

**RESOLVED**

**That Planning Application No. CB/13/01223/VOC relating to The Stables, Stanbridge Road, Great Billington, Leighton Buzzard LU7 9JH be approved as set out in the Schedule appended to these Minutes. Subject to a condition relating to sewage, a revised condition regarding the fencing and an informative regarding the second gate.**

**Prior to consideration of Item 10 Cllr Spurr returned to the Chamber**

**DM/13/40 Planning Application No. CB/13/1040/FULL**

**RESOLVED**

**That Planning Application No. CB/13/01040/FULL relating to Barretts Yard, Crawley Road, Cranfield be approved as set out in the Schedule appended to these Minutes.**

**DM/13/41 Planning Application No. CB/13/1208/FULL**

**RESOLVED**

**That Planning Application No. CB/13/01208/FULL relating to Land at New Road Clifton, Shefford be deferred for one cycle to allow Officers time to address issues raised.**

**The Committee adjourned at 1.20pm The committee reconvened at 2.00pm**

**Councillors D Bowater and R Johnstone were not present for the afternoon session**

**DM/13/42 Planning Application No. CB/12/01590/FULL**

**RESOLVED**

**That Planning Application No. CB/12/01590/FULL relating to Land to r/o 24-68 Byford Way and 27-31 Garland Way, Billington Park, Leighton Buzzard be refused as set out in the Schedule appended to these Minutes.**

**DM/13/43 Planning Application No. CB/13/01292/FULL**

**RESOLVED**

**That Planning Application No. CB/13/01292/FULL relating to Oak Tree Farm, Potton Road, Biggleswade SG18 0EP be approved as set out in the Schedule appended to these Minutes.**

**Prior to consideration of Item 9 Cllr R D Berry had withdrawn from the Chamber**

**DM/13/44 Planning Application No. CB/13/01235/FULL**

**RESOLVED**

**That Planning Application No. CB/13/01235/FULL relating to Roecroft Lower School, Church Road, Stotfold SG5 4NE be approved as set out in the Schedule appended to these Minutes.**

**Prior to consideration of Item 12 Cllr B Spurr had withdrawn from the Chamber**

**DM/13/45 Planning Application No. CB/13/00921/OUT**

**RESOLVED**

**That Planning Application No. CB/13/00921/OUT relating to Land on the East Side of Biggleswade Road, Potton be approved as set out in the Schedule appended to these Minutes.**

**DM/13/46 Planning Application No. CB/12/03287/FULL**

**RESOLVED**

**That Planning Application No. CB/12/03287/FULL relating to 6 Shaftesbury Drive, Stotfold, Hitchin SG5 4FS be approved as set out in the Schedule appended to these Minutes.**

**Prior to consideration of Item 17 Cllr A R Shadbolt had withdrawn from the Chamber**

**DM/13/47 Planning Application No. CB/13/01276/REG3**

**RESOLVED**

**That Planning Application No. CB/13/01276/REG3 relating to Dukeminster Estate, (South West Corner) Church Street, Dunstable LU5 4HU be approved as set out in the Schedule appended to these Minutes.**

**DM/13/48 Planning Application No. CB/13/01368/OUT**

**RESOLVED**

**That Planning Application No. CB/13/01368/OUT relating to Dukeminster Estate, (Central & North) Church Street, Dunstable LU5 4HU be approved as set out in the Schedule appended to these Minutes.**

**DM/13/49 Planning Application No. CB/12/01722/RM**

**RESOLVED**

**That Planning Application No. CB/12/01722/RM relating to Land at 59 & 69 The Green, Stotfold, Hitchin SG5 4AN be approved as set out in the Schedule appended to these Minutes.**

**DM/13/50 Planning Application No. CB/13/1838/FULL**

**RESOLVED**

**That Planning Application No. CB/13/01838/FULL relating to 1 Carlisle Close, Dunstable LU6 3PH be approved as set out in the Schedule appended to these Minutes.**

DM/13/51 **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 Wednesday 17 July 2013:**

**Chairman (or his nominee)**  
**Vice-Chairman (or his nominee)**  
**Cllrs: P N Aldis**  
**K Janes**  
**T Nicols**

(Note: The meeting commenced at 10.00 a.m. and concluded at 4.40 p.m.)

Chairman .....

Dated .....



Central  
Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ



**TO EACH MEMBER OF THE  
DEVELOPMENT MANAGEMENT COMMITTEE**

18 June 2013

Dear Councillor

**DEVELOPMENT MANAGEMENT COMMITTEE - Wednesday 19 June 2013**

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the Late Sheet:-

**Late Sheet**

**3 - 24**

Should you have any queries regarding the above please contact Democratic Services on Tel: 0300 300 4032.

Yours sincerely

Martha Clampitt,  
Committee Services Officer  
email: [martha.clampitt@centralbedfordshire.gov.uk](mailto:martha.clampitt@centralbedfordshire.gov.uk)

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## LATE SHEET

### DEVELOPMENT MANAGEMENT COMMITTEE – 19/06/2012

***Item 6 (Pages 15 - 62) CB/13/00985/FULL – Change of use for the stationing of one residential static caravan and two touring caravans, and parking for two associated vehicles at Paradise Farm, The Causeway, Clophill, MK45 4BA.***

#### **Additional Consultation/Publicity Responses**

Anglian Water has confirmed that a foul sewer crosses the site and that they would not permit any building within a 6 metre easement (3m either side of the centre line of the sewer). A plan has been provided by Anglian Water showing the location of the sewer.

#### **Comments on the Consultation Response**

The plan provided by Anglian Water does not represent the location of the sewer pipe on the ground as it is visible where it crosses the watercourse which does not concur with the plan provided.

It is considered that the sewer is most likely to run from the manhole cover in the access road across the site to where the pipes are visibly crossing the watercourse.

The applicant's agent has been made aware of this issue and has revised the plan to avoid the easement.

#### **Other Comments**

In response to concerns regarding the accuracy of the plans the case officer visited the site and measured it. Following this visit the measurements were provided to the applicant's agent and the plan has been amended accordingly.

The front part of the site on which the residential accommodation would be located measures 38.5m in length and 16.8m wide at its widest point and 15.2m at its narrowest point.

The rear part of the site on which the garden would be located measures 25m in length and 15.8m wide.

The static caravan currently on site is 10.3m by 3.6m, with the touring caravan measuring 6m by 2.3m.

It is considered that condition 5 part vii should be revised to specifically require the size of caravans to be shown on the site layout plan.

Although the revised site layout would result in the static caravan being located forward of the existing building line on The Causeway, it is not considered that this would have a significant adverse impact on visual amenity due to the heavy

landscaping along The Causeway which prevents long range views of the site against the housing development. The roof and top part of the static caravan would be visible above the existing boundary fencing however it is not considered that this would have an impact so adverse on the character and appearance of the area, immediately adjacent to the edge of the village, to warrant a refusal of planning permission.

The applicant's agent has advised that the part of the site on which the caravans would be located would be gravelled rather than hard surfaced. The agent also confirmed that the family would use the amenity facilities within the static caravan as they do now.

The panels of the boundary fencing adjacent to the watercourse can be removed to provide access for the IDB by unscrewing the panels.

In order to prevent any potential overlooking with 17 The Causeway adjacent to the site any windows located on the rear of the static caravan facing number 17 will be required by condition to be obscure glazed.

#### **Amended Condition 5**

5. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (vi) below:

- i. within 3 months of the date of this decision a scheme for the means of surface water drainage of the site shall be submitted to and approved by the Local Planning Authority, the approved scheme shall be implemented with 3 months of the date of approval;
- ii. within 3 months of the date of this decision the proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 10m into the site, measured from the highway boundary, arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
- iii. within 3 months of the date of this decision a scheme for the storage and collection of waste from the site shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval;
- iv. within 3 months of the date of this decision a scheme for external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval;
- v. within 3 months of the new access being 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 accordance with a scheme submitted to and approved by the Local Planning Authority, the scheme shall include the details of the closure of the access, boundary treatment and landscaping.

- vi. within 3 months of the date of this decision a landscaping scheme to screen the site, clearly identifying ground preparation works, details of all tree, hedge and shrub planting and where appropriate earth mounding including details of species, plant sizes and proposed numbers and densities, together with the means of their protection shall be submitted to and approved by the Local Planning Authority, the approved scheme shall be implemented during the first full planting season following the completion of the development. 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.
- vii. within 3 months of the date of this decision a plan showing the layout of the site including the position and size of the caravans shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval.

Reason: To ensure an appropriate standard of development.  
(CS policy DM3 and DSCB policy 43).

#### **Amended Condition 7**

7. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SLO6, 2013, Draft VIJ & LOC-04.

Reason: For the avoidance of doubt.

#### **Additional Condition**

8. Any windows in the static caravan facing 17 The Causeway shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, details of which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties.  
(CS policy DM3 and DSCB policy 43).

### ***Item 7 (Pages 61-74) – CB/13/01378/VOC – Plot 1, Magpie Farm, Hill Lane, Upper Caldecote, Biggleswade, SG18 9DP***

#### **Corrections:**

'Determining Issue' No. 2 (page 66) should be amended to read Impact on the visual amenities of the area and No. 3 should be deleted.

The Planning History section of the report should be amended to read:

## Planning History - relevant

MB/05/01478/FULL Full: Change of use of land for siting of 2 caravans

Refused: 15/02/2006

Appeal allowed: 23/04/2007

MB/09/00027/FULL Wooden building for use as a dayroom

Refused: 05/05/2009

Appeal allowed: 11/06/2010

Informatives:

The following informative would be added to any approval:

The applicant is advised that if it is proposed to retain the existing day room at the site, the scheme for the layout of the site required by condition 4(d) should show it. The layout submitted in response to that condition should not conflict with the siting of the day room, if its retention is proposed.

**Item 8 (Pages 77 - 98) CB/13/01223/VOC – Variation of Conditions: 2 & 5 of planning permission CB/10/03217/FULL - Retention of Gypsy caravan site for 7 families with a total of two static caravans and six touring caravans including hardstanding and landscaping. Additional names to be added to Condition 2 and Condition 5 to say 'No more than twelve caravans shall be stationed on the Site at any time, of which ten caravans shall be residential static caravans' at Site A, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard.**

The site address should have been recorded as Site A, The Stables. Attached is an amended plan which identifies Site A only rather than the whole of The Stables site.

## Additional Consultation/Publicity Responses

### Private Sector Housing

It is recommended that the application is refused on the following grounds as the following proposed arrangements will not meet the licensing conditions.

The following proposed static caravans do not appear to be connected any sewage provision, Static 2, Static 4, Static 5, Static 6, Static 7, Static 8, Static 9 and Static 10.

If it is proposed that the new static caravans will be connected to the existing cesspit the service will require sufficient evidence to demonstrate that the cesspit has sufficient capacity.

The following static caravans do not have the minimum requirement of a 6 metre separation distance between them, 5 and 6 and 8 and 9.

The site will also need to comply with the other licensing requirements and one of these requirements is to have a safe electrical wiring installation that this has been installed by a competent person and certificated, as well. At present the current wiring installation has no certificate issued and I have concerns over the safety of the installation.

### **Comments on the Consultation Response**

The applicant's agent has provided an amended site layout which demonstrates that spacing between the caravans can be achieved and that all static caravans would be connected to the sewage system. This plan has been reviewed by the Private Sector Housing Officer who is satisfied with the spacing and sewage connections.

Details of the existing cess pit have also been provided and proposals for future improvements to the foul sewage system submitted as follows.

The existing cess pit has a capacity of 90,000 litres and is emptied under contract every 3 months. The existing tank has been sufficient to date but it is proposed that a similar sized "overflow" tank is installed in August in order to deal with the increased demand from the additional occupants. The existing 3 month emptying contract will be reviewed periodically.

Condition 8 requires the details of the drainage as shown on the plan submitted in connection with the 2010 application. It is recommended that the condition be amended to include reference to the sewerage statement submitted on 13 June 2013.

The site layout plan submitted is considered appropriate for the purposes of determining this application and as to whether the proposal would meet licensing requirements; it is therefore considered that condition 12 should be amended to require the layout to be set out as shown on the approved plan.

### **Amended Condition 8**

8. Within three months of the date of this consent the applicant shall submit for the consideration of, and written approval by, the Local Planning Authority a timetable for the completion of all the details identified in plan reference RM08/034.1J submitted to the Local Planning Authority on 3 September 2010 and the sewage statement submitted on 13 June 2013 including, but not exclusively relating to, means of enclosure, surfacing, amenity facilities and drainage of the site. The said works shall be completed in accordance with the timetable agreed by the Local Planning Authority or, if the Local Planning Authority refuse to approve the scheme, or fail to give a decision within the prescribed period, and an appeal is made to, and accepted as validly made by the Secretary of State, the works shall be completed within such timetable as may be approved by the Secretary of State.

Reason: In order to ensure that the development does not have a detrimental impact upon the surrounding area, that the proposal takes account for the need of hard and soft landscaping and that the development has no adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy in Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the

provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

### **Amended Condition 12**

12. The site shall be laid out in accordance with the site plan reference RM 08/034.10A received on 10<sup>th</sup> June 2013.

Reason: In order to ensure that the development does not have a detrimental impact upon the surrounding area and that the development has no adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy in Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

### ***Item 10 (Page 111-120) – CB/13/1040/FULL – Barretts Yard, Crawley Road, Cranfield***

#### **Additional Consultation/Publicity Responses**

Petition with 16 signatures from resident's raising the following issues:

- noise nuisance as the building is made from corrugated metal and not insulated and from assembling the motorcycles/mopeds limited access/increased traffic;
- Opening hours 7 days a week and bank holidays;
- No servicing to be carried out on site yet the applicant is providing a service area.

Following their recent meeting the Parish Council has resubmitted their objection but omitted no.3 objection - hours of use (following clarification on the restriction to the hours of operation):

'Comments already submitted: This council objects to the application on the following grounds: 1] The building is a bare metal frame without insulation - this will cause a noise nuisance. 2] There are concerns about the validity of the transport statement. 3] It is a proposed 7 day operation, including bank hols. 4] The building is in the midst of residential housing, therefore unsuitable for the proposed use. If officers are minded to approve, this Council requests that a site visit is made, and that the application is brought before the Development Control Committee. Further, the usage should be defined - there are many contradictory statements within the application. It is noted that the operating hours have now been changed, therefore, the objection numbered 3 above is withdrawn'.



## Comments

The petition and comments from the Parish Council raise no new issues.

The proposed B1(c) use is one which by definition is acceptable in residential areas and the concerns regarding the insulation of the building and the uses suitability close to residential areas is not therefore a relevant issue.

The business would only operate Monday to Friday 8:00 to 18:00 hours and at no other time.

There is a strong case to be made that the proposed B8 & B1(c) use is the lawful use of the site. The concerns regarding the validity of the Transport Statement are not therefore relevant.

The conditions to restrict the hours of use, the noise condition and personal permission to Grafton Motorcycles have all been offered by the applicant. Given that the proposed use is likely to be the lawful use it would be unreasonable for the Council to impose these conditions on the applicant if they were not willing to accept them.

### ***Item 11 (Pages 121-138) – CB/13/01208/FULL – Land at New Road, Clifton, Shefford***

#### **Additional Comments:**

Clifton parish Council has requested that its consultation response be presented in full and it has been sent to Members of the Committee in advance of the Committee meeting.

The planning agent acting on behalf of No 28 and 28a New Road has written, commenting as follows:

There are six Lombardy Poplar Trees located on the boundary between the site and No 28 New Road that are not shown on the submitted plans.

These trees pose a constraint to the development.

Plot 1 is a particular concern and there should be at least 10m between it and the trees.

The trees should be considered with reference to their impact on the health and safety of future occupiers.

Revisions are required to Plots 1-3.

The design is poor and planning permission should be refused.

The Council's Tree and Landscape Officer has made the following comments in response:

It would appear that the root protection areas of some of these offsite Lombardy Poplars are likely to be within the footprint of parts of Plots 1 and 2 and that for whatever reason they were not indicated on the tree survey supplied.

Looking at the plans for the site and taking measurements of the one Poplar indicated and its proximity to plot 1 it would appear that the south side of the house will be within approx 6 metres of the tree NT5. This is not an ideal situation and it is

possible that issues regarding this tree may occur in the future between owners of Plot 1 and owners of the tree. Issues may include leaf fall, light issues, root encroachment into gardens resulting in high uptake of water and associated inability to promote new planting (shrubs flowers etc) and the imposing feel of large trees close to properties. Nonetheless the trees are not protected by Preservation Order and any problems regarding maintenance issues would be between the two parties.

The land to be developed would appear to have a history of use as agricultural land and as such is likely to have had regular disturbance with annual ploughing to a depth of up to approx 50cm. this would mean that on an annual basis all roots within this depth would be severed or damaged and as such it is possible that root distribution and structure may well be different within the agricultural land as opposed to the undisturbed garden land. What form it would take is not obvious without further investigation but could have resulted in more extensive fibrous root growth as opposed to extensive surface rooting and further root development within the boundary of the field and garden plot of 28.

As mentioned earlier having these trees as close to the buildings as indicated is far from ideal but does not make it unfeasible to construct foundations and carry out construction works theoretically without causing damage to the trees. There are many buildings constructed close to trees throughout the country on a regular basis.

I would suggest a condition requiring :

(a) An updated tree survey plan accurately showing the Lombardy Poplars along the north boundary of 28 New Road Clifton, their accurate distance from adjacent proposed buildings and root protection distances.

(b) An arboricultural impact assessment regarding the potential effect of the proposed development on these trees.

(c) An arboricultural method statement detailing how this development can be carried out without causing either short term or long term damage to the trees. This will include full details ground protection and tree protection fencing.

(d) Details of proposed foundations that will be used where the building footprint encroaches into the root protection areas of the trees identified.

One additional consultation response has been received, that raised the following points:

- There is a need for new housing.
- Access to the site from New Road would cause frustration.
- The design of the development would be poor.
- Not enough consultation was carried out with local people.
- More Lifetime Homes should be provided and affordable housing should meet the needs of local elderly and young people.

### **Corrections:**

The 'Relevant Policies' section of the report should read:

#### National Policy

National Planning Policy Framework (2012)

#### Local Policy

Central Bedfordshire Core Strategy and Development Management Policies (2009)

|      |  |
|------|--|
| CS2  | Developer Contributions                            |
| CS3  | Healthy and Sustainable Communities                |
| CS4  | Linking Communities – Accessibility and Transport  |
| CS5  | Providing Homes                                    |
| CS7  | Affordable Housing                                 |
| CS9  | Providing Jobs                                     |
| CS13 | Climate Change                                     |
| CS14 | High Quality Development                           |
| CS17 | Green Infrastructure                               |
| DM1  | Renewable Energy                                   |
| DM2  | Sustainable Construction of New Buildings          |
| DM3  | High Quality Development                           |
| DM4  | Development Within and Beyond Settlement Envelopes |
| DM9  | Providing a Range of Transport                     |
| DM10 | Housing Mix  |
| DM14 | Landscape and Woodland                             |
| DM15 | Biodiversity                                       |
| DM17 | Accessible Green spaces                            |

Site Allocations (North) Development Plan Document (2011)

Planning Obligations Supplementary Planning Document (2009)

Design in Central Bedfordshire (a guide for development) (2010)

Appendix F (Parking Strategy) Central Bedfordshire Transport Plan (2012)

**Additional conditions:**

15/ Notwithstanding the submitted plans and drawings, no development shall commence at the site before the following have been submitted to and approved in writing by the Local Planning Authority:

an updated Tree Survey accurately displaying trees near to the boundaries of the site (including the Lombardy Poplars along the boundary between the site and No 28 New Road), their accurate distance from proposed buildings and root protection distances.

An Arboricultural Impact Assessment setting out the effect of the development on the trees near to the boundary with the site.

An arboricultural Method Statement detailing proposed measures to prevent short or long term damage to the trees near to the boundary with the site. These will include full details ground protection and tree protection fencing.

Details of the foundations that would be used where a building footprint encroaches in to a root protection area of an identified tree.

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

Reason: To ensure that trees near to the site are not harmed by the development.

16/ Notwithstanding the details shown for indicative purposes on the plans submitted in support of the application, no development shall commence at the site before a scheme indicating the following measures has been submitted to and approved by the Local Planning Authority.

- Speed reduction measures along New Road
- Measures to control on-street parking along New Road and surrounding junctions.
- Provision of parking bays within the New Road frontage of the site but clear of the existing carriageway.
- Provision of a varying width footway along the west side of New Road to form a continuous pedestrian link from the site to the junction of New Road with Shefford Road.

No dwelling shall be occupied until such time as the approved works have been implemented unless otherwise agreed by the Local Planning Authority.

Reason: To safeguard against any detrimental impact the development may have on existing vehicle movement and parking along New Road and to provide a safe route for pedestrians.

17/ Notwithstanding the details shown on the submitted plan Harbrook Lane shall be improved to provide a safe and convenient link for pedestrians and cyclists between the site and Shefford Road. Details of surfacing, drainage and lighting shall be submitted to and approved by the Local Planning Authority prior to commencement of development and no dwelling shall be occupied until such time as the approved works have been implemented or unless otherwise agreed by the Local Planning Authority.

Before first occupation of the approved development, all access and junction arrangement serving the development shall be completed in accordance with the approved in principle plans and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience.

18/ No part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4metres along the centre line of the access measured from the edge of carriageway and a point 43.0metres along the edge of carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.

19/ Development shall not begin until the detailed plans and sections of the proposed roads, 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.

20/ 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.

21/ 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 roadwork's 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.

22/ Before development begins, 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 \* 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.

23/ 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.

24/ Development shall not commence until a scheme detailing provision for on site parking for construction workers and deliveries 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.

25/ Notwithstanding the submitted details, no development shall commence at the site before a revised parking schedule is submitted to and approved in writing by the

Local Planning Authority that shows the removal of the visitor parking space adjacent to No 39a Shefford Road.

Reason: To ensure that the development does not cause disruption to occupiers at that house.

26/ Notwithstanding the submitted plans and drawings, no development shall commence at the site before revised floor plans and elevations for Plot 9a (House Type ABE1) that show no dormer windows in the rear facing roof slope have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect living conditions at No 28a New Road.

The following notes to applicant would be added to any planning permission:

1/ The applicant is advised that in order to comply with 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 and any Traffic regulation Orders. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

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

3/ The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public 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 Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

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

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 developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, 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.

**Drawing numbers:**

Drawing numbers should be amended to read: 01 (Site Location Plan), 1 of 1 (Topographical Survey), JBA 13-53-02 rev A, JBA 13/53-01 rev B, JBA 13/53-03 rev A, 479/03 C, 479/04 B, HT-01 - 00, HT-02 – 01, HT-03-00, HT-04 – 01, HT-06 – 00, HT-07 – 01, HT-07/A – 00, HT-07/B – 00, HT-07/C – 00, HT-08 – 00, HT-09 – 01, HT-10 – 00, HT-11 – 00, HT-12 – 01, HT-13 – 01, HT-14 – 00, HT-15 – 01, HT-16 – 01, HT-17 – 01, HT-18 – 00, HT-19 - 00, HT-20 - 00, HT-21 – 00, HT-22 – 01, HT-23 – 00, HT-24 – 01, HT-25 – 00, HT-26 – 00, Foul and Surface Water Strategy, Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement, Flood Risk Assessment, Phase II Geo-Environmental Assessment Report, Archaeological Geophysical Survey of Land at Harbrook Lane, Clifton, Bedfordshire, Archaeological Desk Based Assessment, Archaeological Field Evaluation, Draft Heads of Terms, Energy Statement, Planning Statement (including Affordable Housing Statement), Preliminary Contamination Assessment Report, Statement of Community Involvement, Energy and Sustainability Report, Design and Access Statement, Measured Works Schedule Softworks only, Residential Travel Plan, Transport Assessment and Ecological Survey.

***Item 12 (Pages 139-162) – CB/13/00921/OUT – Land on the East side of Biggleswade Road, Potton***

**Conditions:**

The following additional condition would be added to any planning permission:

34/ No development shall take place on a phase that includes residential units before a timetable for the provision of amenity space (including play space) at the site has been submitted and approved in writing by the Local Planning Authority. The space shall be made available for use in accordance with the approved timetable.

Reason: To ensure that provision is made for future occupiers of the site.

Condition 15 would be amended to read

15/ No development shall commence at the site before a full & detailed scheme for the provision and implementation of foul drainage and pollution control has been submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans in order to ensure a satisfactory method of foul drainage and pollution control.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these. To protect and prevent the pollution of controlled waters (particularly the underlying Principal and Secondary aquifers, EU Water Framework Directive drinking water protected area and the Potton Brook) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin

Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements G1 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

Condition 20 would be amended to read:

20/ No residential development shall take place where the provision of a residential unit or its curtilage (including the garden) is situated within the 1.5 ouEe/m<sup>3</sup> contour plot as indicated on Drawing Number 11.7082SK10 dated February 2013 unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: To protect living conditions for future occupiers.

### **Additional representations:**

The Potton Hall for All Committee has submitted to following information for consideration:

#### **Land East of Biggleswade Road, Potton: Potton Hall For All**

Central Bedfordshire Council's Site Allocations Policy for this development land includes a requirement for a Community Hall, which correspondingly appears in the draft Development Brief dated June 2012. This is likely to represent the only opportunity to build a new Community Hall in Potton for many years.

### **Feasibility Study**

For at least 10 years there has been an aspiration in Potton for a new multi purpose Community Hall . Land availability prevented it being realised until the opportunity arose within the development land east of Biggleswade Road.

The Potton Hall for All Committee commissioned a feasibility study which was carried out by Bedfordshire Rural Communities Charity. In summary the study concluded that the hall can be built if funding is forthcoming that in time such a Hall could be operationally self funding

### **Overview and Scrutiny Committee**

At their meeting on 26 September 2012 the Minutes record 'That the Development Brief be adopted as technical guidance for development management purposes subject to the following:- that Executive be aware of the level of support for delivering a new community hall as part of the development brief that is fit for purpose and meets modern day requirements for a range of different uses. The Executive should consider the benefit this facility could provide to the community and make every effort to support its delivery within this plan period.'

### **Executive Committee**

At their meeting on 2 October 2012, the Executive resolved to adopt the Development Brief and resolved 'That the development brief for land at Biggleswade Road, Potton be adopted as technical guidance for development management purposes.'

### **Potton Town Council**



Potton Town Council have written to express their support and asked for the Hall to be prioritised within the allocation of S106 funding.

### **CBC Leisure Strategy Objectives**

The Council's Leisure Strategy identifies a significant demand for gym facilities to compliment existing over-subscribed provision at Saxon Centre, Biggleswade and Sandy Upper School. The Hall has the potential to accommodate other indoor sports where local under-provision has been identified in the Leisure Strategy

The public open space (accessed from network of public paths) will provide the only informal open space in Potton, comprising (subject to further consultation) a picnic area, wildlife / nature reserve for learning and play.

### **Funding and S106 contribution**

The Steering Group and Hall committee recognise that the developers will expect to make a contribution in the order of £800,000 through their S106 agreements. However, without a significant contribution in cash terms, in the order of £700k in total, the Hall may not be achievable. The expectation is that S106 contributions for a range of non essential services could be pooled to support the Hall for All facility.

The Hall committee have begun work on a funding plan and have the resources and experience to attract funding across the spectrum, in addition to the S106. The committee and user groups have begun actively fundraising locally.

However, in the current economic climate, with limited match funding a substantial contribution from S106 is needed, to be able to draw down other funds. Our architect has revised his floor plans to take onboard feedback from user groups enabling us to be confident about the operating costs. These, along with the results of market research and study visits to other halls, has informed the fundraising plan and business plan.

### **Finances – Initial headline projection**

|  | <b>Expenditure</b> | <b>Income</b> |
|--|--------------------|---------------|
| Cost of building                             | 1500k              |               |
| S106 from site 1                             |                    | £700k         |
| S106 from site 2 (delayed)                   |                    | £200k         |
| S106 from other sites completed but unspent  |                    | £50k          |
| S106 from future sites (over 5 years)        |                    | £50k          |
| Contribution from major donors / corporate   |                    | £50k          |
| Major grant award schemes eg Lottery funding |                    | £100k         |
| Charitable trusts and foundations            |                    | £200k         |
| Local community fundraising and sponsorship  |                    | £100k         |
| In-kind funding (services or goods)          |                    | £50k          |
| <b>Total</b>                                 | <b>£1500k</b>      | <b>£1500k</b> |

### **Evidence of Local Need and Mandate**

The specific nature of this site is defined by the community requirement for a large hall. That need is demonstrated by:

- The combined developments will increase the population of Potton by 10%, compounding the existing need for a large hall in Potton
- The site specific issue for this development is the existing under-provision of community facilities

- Potton Town Plan consultation which evidenced community support and market viability, with very high participation (50% households)
- Ongoing public consultation with user groups suggests a high demand for a large purpose built facility. In spring 2012, residents responded to a household survey 6:1 in support. Awareness has grown through promotion at 6 public events and the ratio is now 10:1 in support
- CBC's Local Development Framework which identified this site for development because of its ability (with the adjacent smaller site) to bring forward a Hall
- The developer's 'Development Brief' for the site incorporates a Hall which accords with the aspirations of the Steering Group
- Strategic Planners indicated to the Steering Group that (in addition to the site) a 106 allocation in the region of £700k for this site and £200k for the smaller site which is likely to be developed at a later phase would be realistic
- The detailed business case for the Hall is underway that incorporates and benefits from the findings of CBC's Leisure Strategy
- The Hall committee have appointed and are paying Civic architects to lead on the design of the building (Civic recently won the Environmental Excellence Award at the Architect of the Year 2012 for the nearby Gamlingay Eco Hub community building)

***Item 13 (Pages 163-180) – CB/12/01722/RM – Land at 59 and 69 The Green, Stotfold***

**Drawing numbers:**

Drawing numbers should read: P860.120; P860/123 C; P860.110 A; P860.105; P860.108; P860.122; P860.112 A; P860.119; P860.118; P860.113; P860.117; P860.111; P860.101; P860.109; P860.104; P860.115; P860.107; P860.114; P860.116; P860.121; P860.103 A; P860.102 A; P860.106; 0110 A; P860/100 K; JBA 11/273 402 C; JBA 11/273-403 G; Measured Works Schedule, Detailed Soft Layout Proposals, James Blake Associates; Arboricultural Implications Assessment and Arboricultural Method Statement Combined, January 2012.

**Corrections:**

The first line of page 175 should read '...approval that the width of the garages must comply with the Council's standards.'

***Item 14 (Page 181-188) – CB/13/03287/FULL – 6 Shaftesbury Drive, Stotfold, Hitchin***

The relevant Parish Council is now Fairfield.

**Additional Consultation/Publicity Responses**

Objection received from Fairfield Parish Council:

- "The retrospective application is considered overdevelopment of the site, it would set a precedent for neighbouring properties, and is against the design aspiration of the Fairfield site. The garage must remain as an annexe to the main building, and being a retrospective application, if the current occupier of the garage building is a non family member it should be returned to its original purpose".

## **Officer Comments**

The matters raised by the Parish Council raise the same issues as made by Stotfold Town Council. Those points were addressed in the officer report with the recommended approval being subject to the accommodation only being occupied whilst under the ownership and management of the owner of the main house, to avoid issues of parking and amenity.

### ***Item 15 (Page 189-206) – CB/13/01292/FULL – Oak Tree farm, Potton Road, Biggleswade***

Further Drainage details have been provided by the applicant.

## **Additional Consultation/Publicity Responses**

Environment Agency – The additional information received is sufficient to remove the need for a foul and surface water condition.

## **Amended conditions**

Condition 5 – Prior to occupation of the main school building, all on site vehicular areas shall be surfaced in a stable and durable manner, with foul and surface water disposal, in accordance with details set out on drawing SK02 received 4 June 2013.

Reason: To ensure adequate parking provision, avoid the carriage of mud or other extraneous material or surface water from the site and to reduce the risk of flooding and contamination.

Condition 6 - Prior to first occupation of the main school building, details of bus stops on Biggleswade Road together with associated waiting areas and facilities for passengers served by a 2.0m wide footway linking the school development to the bus stops shall have been submitted to and approved by the Local Planning Authority. Occupation of the school shall not take place until the approved scheme, or phase thereof, has been implemented in accordance with a timescale to be agreed.

Reason: To ensure the provision of appropriate facilities to encourage use of sustainable modes of transport.

### ***Item 16 (Page 207-216) – CB/12/1590/FULL – Land to r/o 24-68 Byford Way and 27-31 Garland Way, Billington Park, Leighton Buzzard***

## **Additional Comments**

Informal discussions have taken place with the Ministry of Defence with regard to the handing over of the hedgerow, the MOD have confirmed that they have no objection and negotiations will take place as part of the forthcoming application for the last development phase of approximately 200 dwellings.

**Item 17 (Pages 217 - 250) – CB/13/01276/REG3 – Demolition of all existing buildings on the site and redevelopment for the construction of 83 Extra Care flats for Older Persons with communal areas, support facilities and retail unit. – Dukeminster Estate (South West corner), Church Street, Dunstable.**

Please note that this is a Regulation 3 Application (development which the Council intends to implement). Also, note that the Planning Application Number on Page 5 should be amended as above.

**Item 18 (Pages 251 – 276) – CB/13/01368/OUT – The demolition of all buildings on the site and redevelopment for up to 170 residential dwellings together with improvements to the existing access road, associated vehicular parking and landscaped areas.**

**Further History decision:**

CB/13/01762/DEM – Since the submission of the main application a determination has been made that details of demolition of the 3 remaining blocks (other than the Plumb Centre, which has already been subject of a previous determination) are required and have been approved.

**Additional consultation response:**

|                            |   |
|----------------------------|---|
| Waste (23/5/13, 6/6/13)    | Each dwelling should have room for 3 x 240lt bins. More details needed of how waste bins would be kept away from the front of properties and not need to be taken through dwellings for collection. Communal collection points would be required. Details of provision for flats would need agreement. Financial contributions would be sought for provision of bins and recycling banks. A bring site would be useful.   |
| Highways Officer (17/6/13) | Proposes a condition to obtain a footway/cycleway to The Mall which could be used as an emergency access.   |
| Police ALO (17/6/13)       | No objection in principle but object to the indicated proposal on account of the avoidably high levels of victimisation which can reasonably be anticipated. Quotes the Bedfordshire Community Safety Supplementary Planning Guide (SPG) 2005 which states “It is usually desirable to avoid through-routes in new housing areas”, and “where through routes are unavoidable, they should be kept to a minimum”. The proposed layout is diametrically opposed to the SPG and no compromise has been made. The ACPO Secured by Design scheme requirements recognise that through routes will be included, but security should not be compromised by excessive permeability such as permitting access to the sides and rear of properties or too many unsegregated footpaths. |

**Additional comments:**

Further to the Waste comment above, the condition to require a bring site will be re-imposed.

Following review with the applicants a minor amendment is made to condition 19 to enable them to discuss the need for the validation demonstration depending on circumstances at the time.

A condition relating to LED streetlighting would be attached to any Reserved Matter Approval.

The new highway condition reflects the earlier 'permission' and ensures a good level of linkage with the main shopping and entertainment area. This is a major contributor towards sustainable travel, avoiding the necessity of driving to the town centre, and in the officers' view is not inconsistent with the Police response. Although the indicative layout would be excluded from any permission hereby granted, it is disappointing that the Police conclude that the layout is criminogenic mainly because more culs-de-sac have not been provided; it should be noted that only 3 points of pedestrian access (and one for motor vehicles) to an estate of 170 dwellings would be provided.

**Amended / Additional conditions:**

19. (3<sup>rd</sup> sentence to commence) "...Unless otherwise agreed in writing by the Local Planning Authority the effectiveness of the scheme...".
  
24. (Text of condition) "No more than 49 dwellings shall be occupied unless and until a 3.0m wide footway/cycleway with 0.15m clearance either side has been constructed between the new highway to the development and the existing carriageway of the Mall in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The said footway/cycleway shall also double as an emergency vehicular access for the development. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed access.

REASON: In the interests of sustainability and to ensure free movement of traffic.

(Policies: 24, 43 DS)

New condition 25 (renumber agenda condition 25 as 26).

The detailed layout to be submitted shall include the provision of a 'Bring site'.

REASON: To provide a satisfactory scale of recycling opportunities within the development.

(Policy: )

***Item 19 (Page 277-282) – CB/13/1838/FULL – 1 Carlisle Close, Dunstable, LU6 3PH***

**Consultation response**

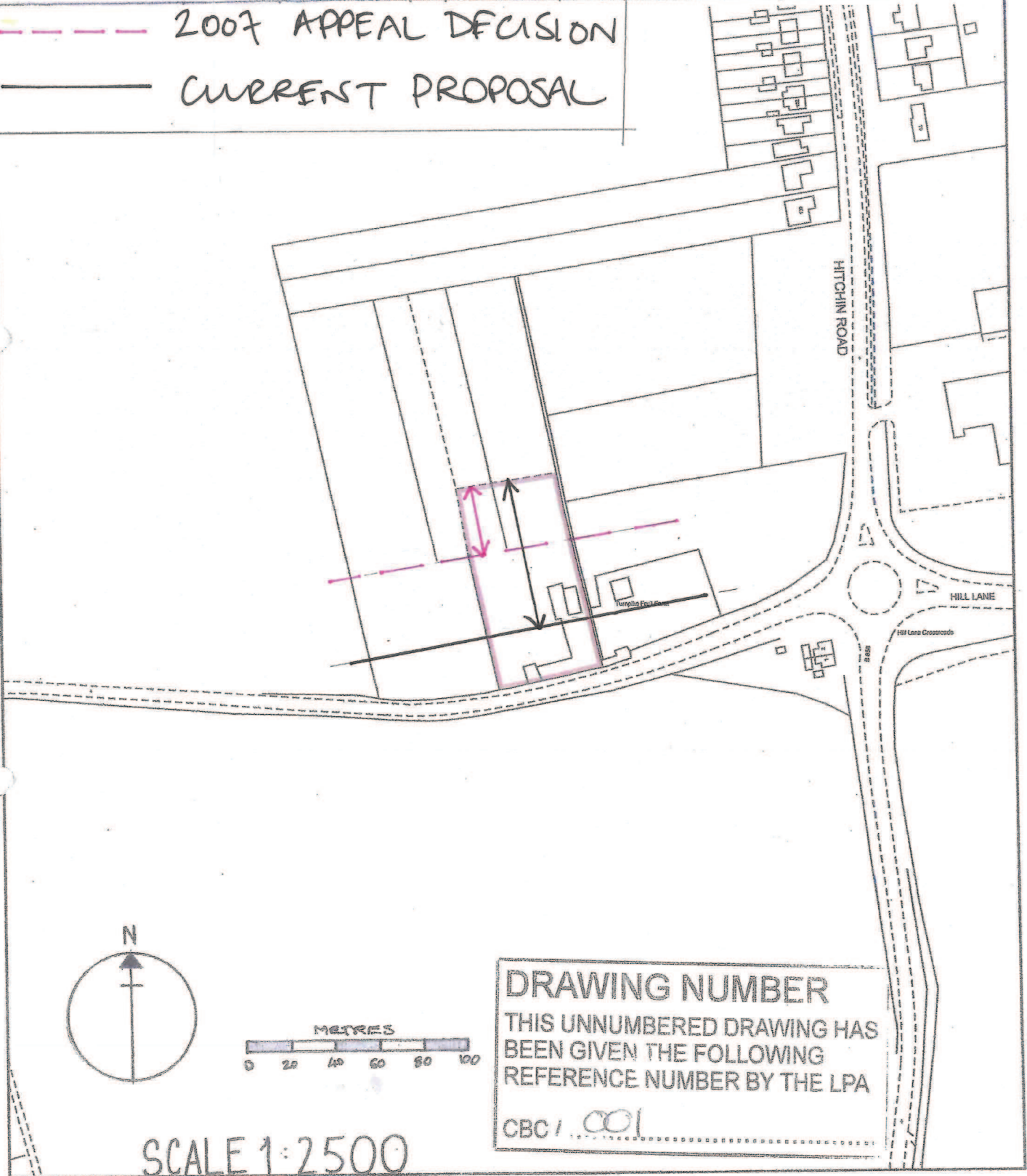
12/06/13 - Dunstable Town Council – No objections

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18 APR 2013

--- 2007 APPEAL DECISION  
— CURRENT PROPOSAL



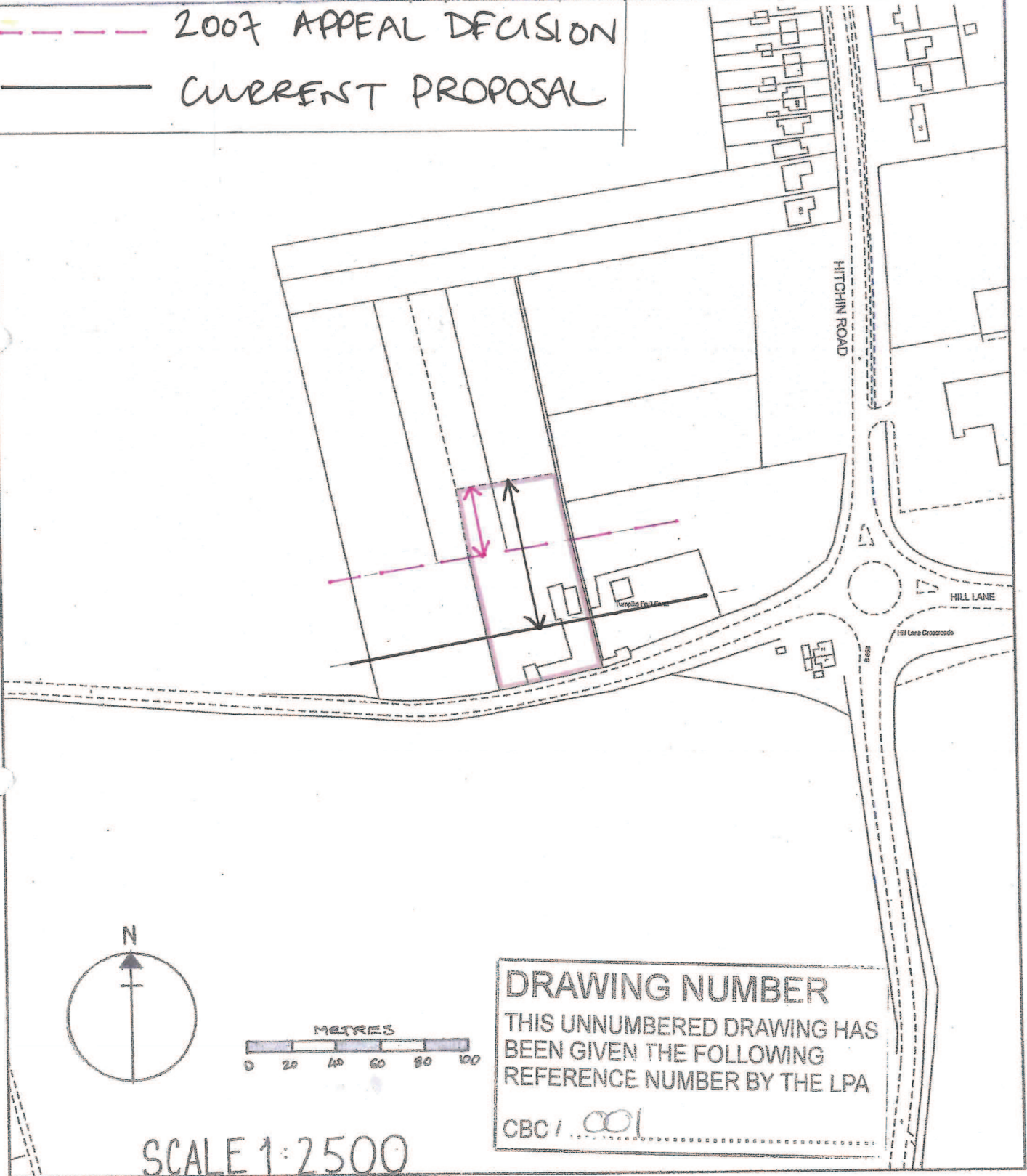
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18 APR 2013

--- 2007 APPEAL DECISION  
— CURRENT PROPOSAL



**DRAWING NUMBER**  
THIS UNNUMBERED DRAWING HAS  
BEEN GIVEN THE FOLLOWING  
REFERENCE NUMBER BY THE LPA  
CBC / 001

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|                   |
|-------------------|
| <b>Item No. 6</b> |
|-------------------|

|   |  |
|---|--|
| <b>APPLICATION NUMBER</b>                                     | <b>CB/13/00985/FULL</b>  |
| <b>LOCATION</b>   | <b>Paradise Farm, The Causeway, Clophill, Bedford, MK45 4BA</b>  |
| <b>PROPOSAL</b>   | <b>Change of use for the stationing of one residential static caravan and two touring caravans, and parking for two associated vehicles.</b> |
| <b>PARISH</b>   | <b>Clophill</b>  |
| <b>WARD</b>   | <b>Amphill</b>   |
| <b>WARD COUNCILLORS</b>                                       | <b>Cllrs Duckett, Blair &amp; Smith</b>  |
| <b>CASE OFFICER</b>   | <b>Vicki Davies</b>  |
| <b>DATE REGISTERED</b>  | <b>19 March 2013</b>   |
| <b>EXPIRY DATE</b>  | <b>14 May 2013</b>   |
| <b>APPLICANT</b>  | <b>Mr Gumble</b>   |
| <b>AGENT</b>  | <b>Bucks Floating Support</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b> | <b>Deferred at DMC 22<sup>nd</sup> May 2013</b>  |
|   | <b>Full Application -Approval</b>  |

**Recommended Reasons for Granting:**

In light of the level of identified need for pitches as set out in the draft Gypsy and Traveller Local Plan it is considered that the proposed development would not detrimentally impact upon the character and appearance of the immediate area or wider streetscene to such an extent to justify refusing planning permission. There would not be any adverse impact on the amenities of neighbouring residents nor would the proposal result in any highway, parking or other issues. The proposed development is in conformity with Policy HO12 of the Mid Bedfordshire Local Plan Review, Policy GT5 of the emerging Gypsy and Traveller Local Plan, Policies CS14, DM3 and DM4 of the Core Strategy and Development Management Policies (North) 2009, Policies 1, 33 and 43 of the emerging Development Strategy for Central Bedfordshire and the National Planning Policy Framework and Planning Policy for Traveller Sites.

**Recommendation**

That Planning Permission be approved.

**RECOMMENDED CONDITIONS / REASONS**

- 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 caravan located on the Site shall be occupied for residential purposes by persons other than Gypsies and Travellers, as defined in annexe 1 of Planning Policy for Traveller Sites 2012.

Reason: To ensure that the occupation of the residential caravans on the site is restricted to Gypsies and Travellers.

- 3 No more than 3 caravans, of which no more than 1 of which shall be mobile homes, shall be located on the Site and occupied for residential purposes.

Reason: In recognition of the location of the site in the countryside and having regard to the provisions of the National Planning Policy Framework.

- 4 No commercial activity shall take place on the Site, including the storage of materials.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity.  
(CS Policy DM3 & DSCB policy 43).

- 5 The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (vi) below:

- i. within 3 months of the date of this decision a scheme for the means of surface water drainage of the site shall be submitted to and approved by the Local Planning Authority, the approved scheme shall be implemented with 3 months of the date of approval;
- ii. within 3 months of the date of this decision the proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 10m into the site, measured from the highway boundary, arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
- iii. within 3 months of the date of this decision a scheme for the storage and collection of waste from the site shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval;
- iv. within 3 months of the date of this decision a scheme for external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval;

- v. within 3 months of the new access being 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 accordance with a scheme submitted to and approved by the Local Planning Authority, the scheme shall include the details of the closure of the access, boundary treatment and landscaping.
- vi. within 3 months of the date of this decision a landscaping scheme to screen the site, clearly identifying ground preparation works, details of all tree, hedge and shrub planting and where appropriate earth mounding including details of species, plant sizes and proposed numbers and densities, together with the means of their protection shall be submitted to and approved by the Local Planning Authority, the approved scheme shall be implemented during the first full planting season following the completion of the development. 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.
- vii. within 3 months of the date of this decision a plan showing the layout of the site including the position and size of the caravans shall be submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within 3 months of the date of approval.

Reason: To ensure an appropriate standard of development.  
(CS policy DM3 and DSCB policy 43).

- 6 All caravans shall be raised 600mm above the level of the top of the bank of the watercourse and secured so that it cannot float off in an extreme flood event.

Reason: To avoid danger to the occupants and possible blockage of the watercourse.  
(Emerging G&T Local Plan GT5)

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SLO6, 2013, Draft VIJ & LOC-04.

Reason: For the avoidance of doubt.

- 8 Any windows in the static caravan facing 17 The Causeway shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, details of which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties.  
(CS policy DM3 and DSCB policy 43).

**Notes to Applicant**

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BD quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
3. 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.
4. The applicant is reminded that any works within 7m of the banktop also require consent from the Internal Drainage Board and that any fencing along the watercourse needs to be demountable to allow the IDB access for maintenance purposes.
5. It is recommended that the applicant registers with the Environment Agency for Flood Warnings and puts in place an evacuation plan to minimise the danger from flooding.
6. All mobile home sites are required to obtain a Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960. Further information may be obtained from the Private Sector Housing Team, Central Bedfordshire 0300 300 8000.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

**[Notes:**

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were informed of the following information contained in the Late Sheet:
  - a. Anglian Water had confirmed a 6m easement on the site and the foul sewer crosses the site, a plan was provided.
  - b. The plan provided by Anglian Water did not provide an accurate location of the foul sewage pipe. The applicant's agent revised their plan to avoid the easement.
  - c. The site had been remeasured and the revised measurements provided to the applicant's agent for amending the plan.
  - d. The site would be gravelled rather than hard surfaced
  - e. The panels of the boundary fencing adjacent to the watercourse could be removed to provide access for the IDB
  - f. Any windows on the side of the caravan adjacent to 17 The Causeway would have obscured glass, see condition 8.
  - g. Condition 5 and condition 7 have been amended as detailed.]

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| <b>Item No. 7</b> |
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| <b>APPLICATION NUMBER</b>                | <b>CB/13/01378/VOC</b>  |
| <b>LOCATION</b>                          | <b>Plot 1, Magpie Farm, Hill Lane, Upper Caldecote, Biggleswade, SG18 9DP</b>   |
| <b>PROPOSAL</b>                          | <b>Variation of Conditions No. 2 &amp; 6 on Planning Permission Application MB/05/01478/FULL dated 16/02/2006. Vary condition 2 to allow the stationing of 7 caravans, including up to 7 static caravans. Amend condition 6 to refer to the site layout plan submitted with this application.</b> |
| <b>PARISH</b>                            | <b>Northill</b>   |
| <b>WARD</b>                              | <b>Northill</b>   |
| <b>WARD COUNCILLORS</b>                  | <b>Cllr Mrs Turner</b>  |
| <b>CASE OFFICER</b>                      | <b>Nikolas Smith</b>  |
| <b>DATE REGISTERED</b>                   | <b>18 April 2013</b>  |
| <b>EXPIRY DATE</b>                       | <b>13 June 2013</b>   |
| <b>APPLICANT</b>                         | <b>Mr N Connors</b>   |
| <b>AGENT</b>                             | <b>Philip Brown Associates</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>This application was called to Committee by Cllr Mrs Turner because it has the potential to affect the future allocation and distribution of additional Gypsy and Traveller sites.</b>   |
| <b>RECOMMENDED DECISION</b>              | <b>Variation of Condition - grant subject to conditions</b>   |

**Reason that the application is recommended for approval:**

In light of the level of identified need for pitches as set out in the draft Gypsy and Traveller Local Plan it is considered that the proposed development would not detrimentally impact upon the character and appearance of the immediate area or wider street scene to such an extent to justify refusing planning permission. There would not be any adverse impact on the amenities of neighbouring residents nor would the proposal result in any highway, parking or other issues. The proposed development is in conformity with Policy HO12 of the Mid Bedfordshire Local Plan Review, Policies GT5 and GT7 of the emerging Gypsy and Traveller Local Plan, Policies CS14, DM3 and DM4 of the Core Strategy and Development Management Policies (North) 2009, Policies 1, 33 and 43 of the emerging Development Strategy for Central Bedfordshire and the National Planning Policy Framework and Planning Policy for Traveller Sites.

**Conditions:**

- 1 No caravan located on the Site shall be occupied for residential purposes by persons other than Gypsies and Travellers, as defined in annexe 1 of Planning Policy for Traveller Sites 2012.

Reason: To ensure that the occupation of the residential caravans on the site is restricted to Gypsies and Travellers.

- 2 No more than seven (7) caravans (of which no more than seven shall be a static caravan or mobile home) shall be stationed on the site at any time.

Reason: In recognition of the location of the site outside of the Settlement Envelope and having regard to the provisions of the National Planning Policy Framework, Planning Policy for Traveller Sites, policy 36 DSCB and policies GT5 and GT7 of the Draft Pre-Submission Gypsy and Traveller Local Plan (April 2013).

- 3 No commercial activity shall take place on the site, including the storage of materials.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy DM3 (High Quality Development) of the Central Bedfordshire Core Strategy and Development Management Policies and policy 43 of the Development Strategy for Central Bedfordshire having particular regard to the location of the site outside of the Settlement Envelope and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 4 The use hereby permitted shall cease and all caravans or mobile structures, vehicles, plant, equipment, machinery, materials, buildings, hard surfacing and any other operational development brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any of the requirements set out in (i) to (iv) below:

i. within 1 (one) month of the date of this decision schemes for:

(a) the landscaping of the site;

(b) the disposal of surface and foul drainage from the site;

(c) external lighting;

(d) the layout of the site

shall have been submitted for the written approval of the Local Planning Authority and the schemes shall include a timetable for their implementation.

ii. within 11 months of the date of this decision the schemes shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve any scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii. if an appeal is made in pursuance (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv. the approved schemes shall have been carried out and completed in accordance with the approved timetables.

Reason: To ensure that the development does not cause harm to the character and appearance of the area or to living conditions at neighbouring properties.

- 5 Any trees or plants which form part of the approved landscaping scheme for the site which within a period of 5 years of their planting 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 gives written approval for any variation.

Reason: To ensure that the appearance of the site would be acceptable.

- 6 No structures, materials or objects shall be placed on the land to the South of the line marked 'xxxxxxx..' on plan CBC/002.

Reason: To ensure that the impact of the development on the appearance of the site is an acceptable one.

### Notes to Applicant

1. 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](http://www.centralbedfordshire.gov.uk).
2. The applicant is advised that if it is proposed to retain the existing day room at the site, the scheme for layout of the site required by condition 4(d) should show it. The layout submitted in response to that condition should not conflict with the siting of the day room, if its retention is proposed.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were informed the following information contained within the Late Sheet:
  - a. An additional informative has been added at 2. above;
  - b. Amendment to the 'determining issue' No. 2 (page 66 of the report), and the deletion of No. 3.
  - c. The Planning History section to be amended.]

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| <b>Item No. 8</b> |
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| <b>APPLICATION NUMBER</b>                | CB/13/01223/VOC   |
| <b>LOCATION</b>                          | The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH   |
| <b>PROPOSAL</b>                          | Variation of Conditions: 2 & 5 of planning permission CB/10/03217/FULL - Retention of Gypsy caravan site for 7 families with a total of two static caravans and six touring caravans including hardstanding and landscaping. Additional names to be added to Condition 2 and Condition 5 to say 'No more than twelve caravans shall be stationed on the Site at any time, of which ten caravans shall be residential static caravans'.            |
| <b>PARISH</b>                            | Stanbridge  |
| <b>WARD</b>                              | Heath & Reach   |
| <b>WARD COUNCILLORS</b>                  | Cllr Versallion   |
| <b>CASE OFFICER</b>                      | Vicki Davies  |
| <b>DATE REGISTERED</b>                   | 08 April 2013   |
| <b>EXPIRY DATE</b>                       | 03 June 2013  |
| <b>APPLICANT</b>                         | Ms Brien  |
| <b>AGENT</b>                             | Rosser Morris Ltd   |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | Call-in by Cllr Versallion on the grounds of: <ol style="list-style-type: none"> <li>1. Doubling the number of caravans to the conditions that were previously agreed.</li> <li>2. Appeal on Site B (which was to set a precedent) has still not been granted.</li> <li>3. CBC ignoring an agreement made with Billington PC not to allow an increase of pitches in the Parish.</li> <li>4. Green Belt.</li> <li>5. Conservation Area.</li> </ol> |
| <b>RECOMMENDED DECISION</b>              | Variation of Condition - Approval   |

### Recommended Reasons for Granting

The proposal is contrary to Green Belt policy however on balance it is considered that the general ongoing need and the personal circumstances of the site occupants, cultural factors and compliance with emerging policies GT5 and GT7 weigh in favour of the application. The proposed development would not detrimentally impact upon the character and appearance of the immediate area or wider streetscene to such an extent to justify refusing planning permission. There would not be any adverse impact on the amenities of neighbouring residents nor would the proposal result in any highway, parking or other issues. Overall it is considered that there are Very Special Circumstances which outweigh the harm to the Green Belt and that subject to conditions the proposal would be acceptable and is therefore in accordance with policies GT5 and GT7 of the emerging Gypsy and Traveller Local Plan, policy BE8 of the South Bedfordshire Local Plan Review, policies 33, 36 and 43 of the emerging Development Strategy for Central

Bedfordshire and national policy within the National Planning Policy Framework and Planning Policy for Traveller Sites.

### **Recommendation**

That Planning Permission be approved subject to the following:

### **RECOMMENDED CONDITIONS**

- 1 No caravan located on the Site shall be occupied for residential purposes by persons other than Gypsies and Travellers, as defined in annexe 1 of Planning Policy for Traveller Sites 2012.

Reason: To ensure that the occupation of the residential caravans on the site is restricted to Gypsies and Travellers.

- 2 The Site shall only be occupied by the following persons and their resident dependant's: James Brien, Margaret Brien, Ashley Brien & Michael Nolan, Abraham Howard & Charlene Howard, John Smith & Kelly Smith, Michael Brien & Jane Brien, Jimmy Brien & Cristal Brien, Johnny Brien & Sherry Brien, Teresa Patterson, Michael Brien and Evelyn Gray

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework, Planning Policy for Traveller Sites and policy 36 DSCB.

- 3 In the event that the Site shall cease to be occupied by those named in Condition 2 above the use hereby permitted shall cease and all caravans shall be removed from the Site within 28 days of that date.

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework, Planning Policy for Traveller Sites and policy 36 DSCB..

- 4 Within three months of the cessation of the occupation of the site by those named in Condition 2 above all buildings, other structures, materials and equipment including fences, telegraph poles and lighting columns, septic tanks/cesspits and pipes, cables, meter boxes and other services brought on to the land in connection with the development hereby approved, or in accordance with the planning consent CB/10/03217FULL, shall be removed; all hardcore, tarmac and other hard surfacings on the site shall be broken up and completely removed, the site levelled, topsoiled and seeded with grass or turfed; and the existing vehicular access onto Stanbridge Road shall be closed and the hedgerow reinstated along the highway frontage.

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework, Planning Policy for Traveller Sites and policy 36 DSCB.

- 5 No more than twelve caravans shall be stationed on the Site at any time, of which only ten caravans shall be residential static caravans.

Reason: In recognition of the location of the site in the Green Belt and having regard to the provisions of the National Planning Policy Framework, Planning Policy for Traveller Sites, policy 36 DSCB and policy GT7 of the Draft Pre-Submission Gypsy and Traveller Local Plan (April 2013).

- 6 No commercial activity shall take place on the Site, including the storage of materials.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 7 No more than five commercial vehicles shall be kept on the Site at any time for use by the persons named in Condition 2 of which not more than one shall exceed ten tonnes in weight and the remainder shall not exceed 3.5 tonnes in weight.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 8 Within three months of the date of this consent the applicant shall submit for the consideration of, and written approval by, the Local Planning Authority a timetable for the completion of all the details identified in plan reference RM08/034.1J submitted to the Local Planning Authority on 3 September 2010 including, but not exclusively relating to, means of enclosure, surfacing, amenity facilities and drainage of the site. The said works shall be completed in accordance with the timetable agreed by the Local Planning Authority or, if the Local Planning Authority refuse to approve the scheme, or fail to give a decision within the prescribed period, and an appeal is made to, and accepted as validly made by the Secretary of State, the works shall be completed within such timetable as may be approved by the Secretary of State.

Reason: In order to ensure that the development does not have a detrimental impact upon the surrounding area, that the proposal takes account for the need of hard and soft landscaping and that the development has no adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy in Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 9 The details required to be submitted in accordance with Condition 8 shall include proposals for the replacement of all existing boundary fencing, including the proposed timetable for such works. Amendments to the details of these particular works and their proposed timetable may be agreed in writing from time to time by the Local Planning Authority.

Reason: In order to ensure that the development does not have a detrimental impact upon the surrounding area and that the development has no adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 and the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 10 At the same time as the timetable for the completion of the works required by Condition 8 is submitted to the Local Planning Authority there shall be submitted a programme for the management and maintenance of the drainage system for the lifetime of the development. The drainage system shall be managed and maintained in accordance with the approved programme.

Reason: In order to ensure that the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having regard to the principles contained in the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 11 Within 3 months of the date of the this consent the applicant shall submit a detailed landscaping scheme including boundary planting and landscaping and grassed areas within the site. The planting will then be carried out in accordance with the approved details no later than the end of the first planting season following the completion of the development and thereafter maintained for a period of five years during which any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, is replaced with another of the same species and size as that originally planted.

Reason: In order to ensure that the proposal takes account for the need for hard and soft landscaping in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.



- 12 The site shall be laid out in accordance with the site plan reference RM/08/034.10A received on 10<sup>th</sup> June 2013.

Reason: In order to ensure that the development does not have a detrimental impact upon the surrounding area and that the development has no adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy in Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 13 No external lighting shall be installed on the site other than such lanterns or similar devices as may be directly attached to individual caravans or the buildings authorised by this consent and identified on plan reference RM08/034.1J submitted to the Local Planning Authority on 3 September 2010.

Reason: In order to ensure that lighting associated with the development does not have a detrimental impact upon the surrounding area in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 14 Notwithstanding the provisions of Part 2 (Minor Operations) or Part 5 (Caravan Sites) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any Order or enactment amending or re-enacting that Order no further accesses shall be formed from the adjoining highway and no walls, fences, gates or other means of enclosure or any amenity blocks, ancillary buildings or other structures shall be erected on the site other than in accordance with this consent or in accordance with a further specific grant of planning consent in that regard.

Reason: In order to ensure that the overall appearance of the development has no unacceptable adverse effect upon general or residential amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy for Central Bedfordshire and having particular regard to the location of the site in the Green Belt and the provisions of the National Planning Policy Framework and Planning Policy for Traveller Sites.

- 15 No more than seven caravans shall be stationed on the site unless and until all the works set out in the sewage statement submitted on 13 June 2013 have been completed to the satisfaction of the Local Planning Authority.

Reason: In order to ensure that the development has satisfactory foul water drainage in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and policy 43 of the Development Strategy in Central Bedfordshire.

**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 South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
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 the landscaping scheme required by condition 11 should incorporate evergreen species to ensure screening all year round, this is particularly with reference to the eastern boundary of the site.
4. The Development Management Committee wishes to highlight to the applicant that the visual appearance of the access to the site should be improved, through such actions as repainting the gates and closing any redundant access.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

**[Notes:**

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were informed of the following information contained in the Late Sheet:
  - a. Private Sector Housing had provided objections to the application as it did not meet licensing standards.
  - b. The applicant's agent had provided an amended site layout which demonstrated the spacing between the caravans.
  - c. Conditions 8 and 12 have been amended as above.]

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| <b>Item No. 10</b> |
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| <b>APPLICATION NUMBER</b>                | <b>CB/13/01040/FULL</b>   |
| <b>LOCATION</b>                          | <b>Barretts Yard , Crawley Road, Cranfield</b>  |
| <b>PROPOSAL</b>                          | <b>Change of use from B8 to B8 with B1(c)</b>   |
| <b>PARISH</b>                            | <b>Cranfield</b>  |
| <b>WARD</b>                              | <b>Cranfield &amp; Marston Moretaine</b>  |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs Bastable, Matthews &amp; Mrs Clark</b>   |
| <b>CASE OFFICER</b>                      | <b>James Clements</b>   |
| <b>DATE REGISTERED</b>                   | <b>25 March 2013</b>  |
| <b>EXPIRY DATE</b>                       | <b>20 May 2013</b>  |
| <b>APPLICANT</b>                         | <b>Grafton Motorcycles</b>  |
| <b>AGENT</b>                             | <b>Aragon Land &amp; Planning Ltd</b>   |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | Called-in by Councillor Bastable for the following reasons: <ul style="list-style-type: none"> <li>• concerns about noise and hours of operation</li> <li>• the business is in the wrong location and likely to have a negative impact on the residential area</li> <li>• concerns about validity of the transport statement</li> </ul> |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application recommended for approval</b>  |

### Recommended Reasons for Granting

The proposed development would not result in a detrimental impact upon either the character or appearance of the area or upon either existing or future residential amenity. As such the proposal is considered to be in conformity with Policies CS11 and DM3 of the Core Strategy and Development Management Policies 2009; The National Planning Policy Framework (2012) and Design Guide in Central Bedfordshire (2010)

### Recommendation

That Planning Permission be approved subject to the following:

### RECOMMENDED 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 equipment, goods, waste or other materials shall be deposited or stored in the open outside the buildings on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the site and the surrounding area.

- 3 The premises shall only be used between the hours of 8 am to 6 pm Mondays to Fridays and not at all on Saturdays, Sundays and Bank Holidays.

Reason: To safeguard the amenities which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 4 This permission is for the sole benefit of Grafton Motorcycles and shall extend to no other person, partnership, firm or company.

Reason: To ensure the retention of planning control by the Local Planning Authority on the disposal of the present applicant's interest in the land and buildings.

- 5 Prior to the commencement of the approved development a scheme of noise attenuation measures for controlling noise from plant machinery or equipment shall be submitted in writing for the approved of the local planning authority. The scheme will demonstrated that noise resulting from the use of plant , machinery or equipment shall not exceed a level of 5dBA below the back ground level (or 10 dBA 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 property.

Reason. To protect the residential amenity from noise.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1692/12/1, 1692/12/2 & 1692/12/3.

Reason: For the avoidance of doubt.

### **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.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were informed of the following:
  - a. A petition with 16 signatures had been received from residents' raising the following issues:
    - i. Noise nuisance as the building is made from corrugated metal and not insulated and from assembling the motorcycles / mopeds limited access / increased traffic;
    - ii. Opening hours 7 days a week and bank holidays;
    - iii. No servicing to be carried out on site yet the applicant is providing a service area.
  - b. The Parish Council had resubmitted its objection.
  - c. The hours of operation would only be Monday to Friday 8.00am to 18.00 hours and at no other time.
3. The Planning Officer provided a verbal update to confirm that Condition 6 related to plans 1692/1, 1692/12/2, 1692/12/3b and 1692/12/8b]

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| <b>Item No. 11</b> |
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| <b>APPLICATION NUMBER</b>                | <b>CB/13/01208/FULL</b>  |
| <b>LOCATION</b>                          | <b>Land at New Road, Clifton, Shefford</b>   |
| <b>PROPOSAL</b>                          | <b>Erection of 77 dwelling including affordable housing, an equipped area of play, access and associated works.</b>  |
| <b>PARISH</b>                            | <b>Clifton</b>   |
| <b>WARD</b>                              | <b>Arlesey</b>   |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs Dalgarno, Drinkwater &amp; Wenham</b>   |
| <b>CASE OFFICER</b>                      | <b>Nikolas Smith</b>   |
| <b>DATE REGISTERED</b>                   | <b>28 March 2013</b>   |
| <b>EXPIRY DATE</b>                       | <b>27 June 2013</b>  |
| <b>APPLICANT</b>                         | <b>Taylor Wimpey Ltd &amp; Mr T Cook</b>   |
| <b>AGENT</b>                             | <b>DLP Planning Ltd</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>This application was called to the Committee by Cllr Drinkwater for the following reasons:<br/>Access, highway safety and parking on and off the site;<br/>Layout and design<br/>Density and impact on the surrounding area</b> |
| <b>RECOMMENDED DECISION</b>              | <b>Grant subject to conditions and a s106 agreement</b>  |

Deferred Application – See Minute No. DM/13/41

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were informed of additional consultation responses from the Parish Council and the Tree and Landscape Officer and proposed conditions as detailed in the Late Sheet.]

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| <b>Item No. 16</b> |
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| <b>APPLICATION NUMBER</b>                | <b>CB/12/01590/FULL</b>  |
| <b>LOCATION</b>                          | <b>Land to r/o 24-68 Byford Way and 27-31 Garland Way, Billington Park, Leighton Buzzard</b> |
| <b>PROPOSAL</b>                          | <b>Change of use of open space to residential gardens</b>                                    |
| <b>PARISH</b>                            | <b>Leighton-Linslade</b>   |
| <b>WARD</b>                              | <b>Leighton Buzzard South</b>  |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs Berry, Bowater &amp; Dodwell</b>  |
| <b>CASE OFFICER</b>                      | <b>Nicola Darcy</b>  |
| <b>DATE REGISTERED</b>                   | <b>02 May 2012</b>   |
| <b>EXPIRY DATE</b>                       | <b>27 June 2012</b>  |
| <b>APPLICANT</b>                         | <b>Mr King</b>   |
| <b>AGENT</b>                             | <b>PJPC Ltd</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Called-in by Cllr Bowater (reason to be advised)</b>                                      |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application - Refusal</b>  |

**Recommendation**

That Planning Permission be REFUSED subject to the following:

**RECOMMENDED REASONS**

- 1 The application site comprises an area of open amenity land which makes a positive contribution to the visual amenity of the area. The inclusion of this land within the residential curtilages of land to r/o 24-68 Byford Way and 27-31 Garland Way and the erection of boundary fencing would be detrimental to the character and appearance of the area. The proposal is therefore contrary to national planning guidance National Planning Policy Framework, Policies BE8 and R12 of the South Bedfordshire Local Plan Review and Policies 40 and 43 of the emerging Development Strategy for Central Bedfordshire.
- 2 The grant of planning permission for the proposed development would create a precedent and make it difficult for the Local Planning Authority to resist other similar proposals in the area. Such piecemeal loss of open amenity space would result in the gradual erosion of the green spaces within the estate, thus causing harm to the character and appearance of the area contrary to national planning guidance within the National Planning Policy Framework, Policies BE8 and R12 of the South Bedfordshire Local Plan Review and Policies 40 and 43 of the emerging Development Strategy for Central Bedfordshire.

- 3 The resultant garden boundary fencing would be in direct conflict with the positions of at least 8 trees protected by The South Bedfordshire District Council (Land rear of Garland Way and Byford Way (Billington Park) Leighton Buzzard) Tree Preservation Order No. 7/2003, leading to pressure for works to the trees resulting in the loss of amenity value of the trees to the detriment of visual amenity of the locality.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Planning permission has been recommended for refusal for this proposal for the clear reasons set out in this decision notice. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Note:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised that the MOD had no objections to the handing over of the hedgerow as detailed within the Late Sheet.]

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| <b>Item No. 15</b> |
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| <b>APPLICATION NUMBER</b>                | <b>CB/13/01292/FULL</b>  |
| <b>LOCATION</b>                          | <b>Oak Tree Farm, Potton Road, Biggleswade, SG18 0EP</b>   |
| <b>PROPOSAL</b>                          | <b>Change of use of site and buildings from Light industrial / retail / store / showroom / workshop / restaurant to School. External alterations including revised parking layout / landscaping / play areas and new fencing. Subdivision of land to separate existing house. New windows and doors.</b> |
| <b>PARISH</b>                            | <b>Sutton</b>  |
| <b>WARD</b>                              | <b>Potton</b>  |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs Mrs Gurney &amp; Zerny</b>  |
| <b>CASE OFFICER</b>                      | <b>Mark Spragg</b>   |
| <b>DATE REGISTERED</b>                   | <b>16 April 2013</b>   |
| <b>EXPIRY DATE</b>                       | <b>11 June 2013</b>  |
| <b>APPLICANT</b>                         | <b>Ermine Education Trust</b>  |
| <b>AGENT</b>                             | <b>CSJ Planning</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Called in by Cllr Gurney due to concerns as to whether this is an appropriate location for a school use.</b>  |

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| <b>RECOMMENDED DECISION</b> | <b>Full Application - Approval</b> |
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### **Recommended reasons for Granting**

The proposed change of use would provide a sustainable use of vacant retail/light industrial buildings, whilst ensuring the provision of employment at the site. The submitted draft Travel Plan and travel characteristics of the applicant would ensure a reduced level of traffic generation to the site utilising sustainable modes of travel. The use would not result in any significant harm to the character and appearance of the area, or the residential amenity of any neighbouring properties and is acceptable in terms of parking and highway safety. The proposal therefore complies with the objectives of the National Planning Policy Framework (2012) and Policies CS1, CS11, DM3, DM4 and DM9 of Central Bedfordshire Core Strategy and Development Management Policies Document (2009).

### **Recommendation**

That Planning Permission be granted subject to the following conditions:

### **RECOMMENDED CONDITIONS / REASONS**

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

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

- 2 The proposed development shall be carried out and completed in accordance with the vehicle access and parking layout illustrated on the approved plan and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

- 3 **No development shall commence until a scheme detailing provision for on site parking for construction workers and deliveries 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.**

- 4 Prior to occupation of the main school building, details of bus stops on Biggleswade Road together with associated waiting areas and facilities for passengers served by a 2.0m wide footway linking the school development to the bus stops shall have been submitted to and approved by the Local Planning Authority. Occupation of the school shall not take place until the approved scheme, or phase thereof, has been implemented in accordance with a timescale to be agreed.

Reason: To ensure the provision of appropriate facilities to encourage use of sustainable modes of transport.

- 5 Prior to occupation of the main school building, all on site vehicular areas shall be surfaced in a stable and durable manner, with foul and surface water disposal, in accordance with details set out on drawings SK02 received 4 June 2013.

Reason: To ensure adequate parking provision, avoid the carriage of mud or other extraneous material or surface water from the site and to reduce the risk of flooding and contamination.

- 6 This permission is for the sole benefit of the premises as a school for use by the Focus Learning Trust (incorporating the Ermine Education Trust and the Wellgrove Education Trust) or any successor of the aforementioned trusts.

Reason: To ensure the retention of planning control by the Local Planning Authority on the disposal of the present applicant's interest in the land and buildings due to the location of the site outside any settlement envelope and the fact that special regard has been had to the specific transportation

methods proposed by the applicants and evidenced by examples from other schools within their education portfolio.

- 7 Prior to occupation of the main school building a scheme for the parking of cycles on the site shall be fully implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The scheme shall be 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.

- 8 **No development shall commence until 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.**

- 9 Prior to first occupation of the school a 2.5m high acoustic fence shall be provided in the position shown on drawing 12-073-101 and detailed in the drawing within the Design and Access Statement (layout), and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the adjoining residential property.

- 10 The first floor windows to the north elevation of the existing garage building shall be permanently glazed with obscured glass.

Reason: To protect the privacy of the occupiers of the adjoining residential property.

- 11 Prior to occupation, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of:

- a. measures to encourage sustainable travel choices for journeys to the school
- a. pupil travel patterns and barriers to sustainable travel
- a. measures to reduce car use
- a. transport policy(s) of the school
- a. measures to mitigate any adverse impacts of non-sustainable

travel to, from and between the school

- a. an action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review

All measures agreed therein shall be undertaken in accordance with the approved plan. Approval of the Travel Plan is also conditional upon Steps 1 to 5 being completed on our online management tool 'iOnTravel' prior to the occupation of the development, with the results reviewed on an annual basis and further recommendations for improvements submitted to and approved in writing by the Local Planning Authority.

Reason: To promote the use of sustainable modes of transport.

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [Plans 12-073-100, 101, 102, 103, 104, 105, 106, 107, 108, 109].

Reason: For the avoidance of doubt.

### Notes to Applicant

1. The proposed development overlies a Principal aquifer, overlain with alluvium clay, silt, sand and gravel. The application does not provide sufficient information about foul drainage arrangements and pollution prevention measures to demonstrate whether the proposal will lead to pollution of surface or underground waters, and possible contamination of drinking water sources. A septic tank with tertiary reed bed discharging to ground may not provide a suitable arrangement for foul water in this location and with the proposed number of users.

A package treatment plant is an alternative to a septic tank which has an outlet to either a soakaway or watercourse, and requires a separate formal permit from the Environment Agency. Under the Environmental Permitting Regulations 2010 a discharge permit or exemption from this Agency is required prior to the commencement of any discharge of trade or sewage effluent to a watercourse or groundwater. Such permits are not granted automatically, and may be refused or granted subject to conditions. The statutory consultation period for permit applications is four months. Such consent is not implied by these observations. The applicant may find that, if permits are granted, any conditions applied may influence the nature of any treatment facilities required. **The granting of planning approval must not be taken to imply that consent has been given in respect of any Permit requirements.**

2. The applicant is advised of the following comments by the Environment Agency:

- Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
- Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted. The LLFA's Preliminary Flood Risk Assessment susceptibility to groundwater map indicates that there is the possibility of groundwater flooding in this area. Groundwater flooding has not been considered as part of the FRA and could significantly impact the efficiency of soakaways. Site Investigation should be undertaken to ensure that there is at least one metre between the groundwater level and the invert level of all soakaways.
- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hard standings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
- Any facilities, above ground, for the storage of oils, fuels or chemicals must be provided with adequate, durable secondary containment to prevent the escape of pollutants. The volume of the secondary containment must be at least equivalent to the capacity of the tank plus 10%. If there is more than one oil storage tank in the facility, the secondary containment must be capable of storing 110% of the biggest tank's capacity or 25% of the total capacity of all the tanks, whichever is greater. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets must be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. The drainage system of the bund must be sealed with no discharge to any watercourse, land or underground strata. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site occupiers intending to purchase or install pollutant secondary containment (bunding) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity. Further guidance can be found on the Environment Agency's website at: [www.environment-agency.gov.uk/osr](http://www.environment-agency.gov.uk/osr)

3. 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
4. The applicant is advised that in order to comply with 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 Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
5. 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.
6. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010"
7. In the event that ground conditions are not suitable for soakaways any storm water run off discharged direct to the Board's adjacent district and/or watercourse will require the Boards's statutory consent and must be limited to the appropriate greenfield rate in accordance with the NPPF.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were informed of amendments to conditions 5 and 6 as detailed in the Late Sheet and amended above.]



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| <b>Item No. 9</b> |
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| <b>APPLICATION NUMBER</b>                | <b>CB/13/01235/FULL</b>   |
| <b>LOCATION</b>                          | <b>Roecroft Lower School, Church Road, Stotfold, SG5 4NE</b>  |
| <b>PROPOSAL</b>                          | <b>Move modular buildings to different location, extend existing building, internal &amp; external refurbishment &amp; alterations.</b> |
| <b>PARISH</b>                            | Stotfold  |
| <b>WARD</b>                              | <b>Stotfold &amp; Langford</b>  |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs Clarke, Saunders &amp; Saunders</b>  |
| <b>CASE OFFICER</b>                      | <b>Lauren Westley</b>   |
| <b>DATE REGISTERED</b>                   | <b>24 April 2013</b>  |
| <b>EXPIRY DATE</b>                       | <b>19 June 2013</b>   |
| <b>APPLICANT</b>                         | <b>Willmott Dixon Construction</b>  |
| <b>AGENT</b>                             | <b>Swanke Hayden Connell Architects</b>   |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Council owned site and objections have been received.</b>  |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application - Approval</b>  |

### Recommended 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 therefore by reason of its size, design and location, is in accordance with the aims of the National Planning Policy Framework (2012), policies CS3, CS14 and DM3 of the Core Strategy and Development Management Policies (2009).

### Recommendation

That Planning Permission be GRANTED subject to the following:

### RECOMMENDED CONDITIONS / REASONS

- 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 take place until a written scheme of archaeological investigation , that includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme.**

**Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development.**

- 3 **No development shall take place until details of the ground levels, floor levels and roof levels of the north east extension hereby permitted, are submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in full accordance with the approved levels.**

**Reason: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).**

- 4 **Prior to the commencement of the use, details of the external lighting to be on the site, shall be submitted to and approved in writing the by the Local Planning Authority. The lighting shall then be installed in accordance with the approved details and thereafter maintained for the duration of the development.**

**Reason: In the interests of protecting the visual amenity of the area and the amenities of the surrounding residential occupiers, in accordance with DM3 of the Core Strategy and Development Management Policies (2009).**

- 5 **Prior to the commencement of the use, details of the fencing to be used around and within the site, shall be submitted to and approved in writing the by the Local Planning Authority. The fencing shall then be installed in accordance with the approved details and thereafter maintained for the duration of the development.**

**Reason: In the interests of protecting the visual amenity of the area and the amenities of the surrounding residential occupiers, in accordance with DM3 of the Core Strategy and Development Management Policies (2009).**

- 6 **Prior to the installation of any air handling equipment, air extraction systems, compressors, generators, or plant or equipment of like kind, details, including acoustic specifications, shall be submitted to and approved in writing by the Local Planning Authority. Any approved plant shall be installed thereafter in accordance with the approved details.**

**Reason: To protect the amenities of surrounding residents, in accordance with policy DM3 of the Core Strategy and Development Management Polices (2009).**

- 7 **The MUGA hereby permitted shall only be used between 0900 hours and 1530 hours, Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays.**

Reason: To protect the amenity of neighbouring residents, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

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Prior to the re-opening of the school and attendance of pupils, a school travel plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of:

- measures to encourage sustainable travel choices for journeys to the school
- pupil travel patterns and barriers to sustainable travel
- measures to reduce car use
- transport policy(s) of the school
- measures to mitigate any adverse impacts of non-sustainable travel to, from and between the school
- an action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review

All measures agreed therein shall be undertaken in accordance with the approved plan unless otherwise agreed by the Local Planning Authority.

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

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The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P-ST-A0011 Rev B, P-ST-A0500 Rev B, P-ST-A2100 Rev A, P-ST-A0800, P-ST-A0010, P-ST-A2101 Rev A and SK015.

Reason: For the avoidance of doubt.

### Notes to Applicant

1. **Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.**

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

**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 therefore by reason of its size, design and location, is in accordance with the aims of the National Planning Policy Framework (2012), policies CS3, CS14 and DM3 of the Core Strategy and Development Management Policies (2009).

[Note: In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.]

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| <b>Item No. 12</b> |
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| <b>APPLICATION NUMBER</b>                | <b>CB/13/00921/OUT</b>   |
| <b>LOCATION</b>                          | <b>Land On The East Side Of, Biggleswade Road, Potton</b>  |
| <b>PROPOSAL</b>                          | <b>Outline Application: mixed use development comprising up to 151 dwellings, employment premises, site for community hall, open space and new access (all matters reserved)</b> |
| <b>PARISH</b>                            | <b>Potton</b>  |
| <b>WARD</b>                              | <b>Potton</b>  |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs Mrs Gurney &amp; Zerny</b>  |
| <b>CASE OFFICER</b>                      | <b>Nikolas Smith</b>   |
| <b>DATE REGISTERED</b>                   | <b>21 March 2013</b>   |
| <b>EXPIRY DATE</b>                       | <b>20 June 2013</b>  |
| <b>APPLICANT</b>                         | <b>Potton Enterprises Ltd Linxcroft Leach Partnership</b>  |
| <b>AGENT</b>                             | <b>D H Barford</b>   |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>This application was called to Committee by Cllr Zerny because of concerns over the proposed road layout.</b>   |
| <b>RECOMMENDED DECISION</b>              | <b>Outline Application - Grant subject to conditions and a s106 agreement</b>  |

**Reason that the application is recommended for approval:**

The principle of the development would be acceptable and subject to the detail contained within applications for Reserved Matters and the approval of details pursuant to planning conditions, the development would cause no harm to the appearance of the site or the wider area, would cause no harm to living conditions at neighbouring properties, would cause no harm to the safe and free flow of traffic, would cause no harm to local landscape, ecological or heritage assets, would result in acceptable standards of living accommodation, would meet local employment, community and recreational need and would mitigate its impact on existing local infrastructure. It would be in accordance with the objectives of the National Planning Policy Framework (2012), the Central Bedfordshire Core Strategy and Development Management Policies (2009), Design in Central Bedfordshire (a guide for development), the adopted Development Brief for the site (2012) and Appendix F (parking Strategy) of the Central Bedfordshire Transport Plan (2012).

**Recommendation:**

That Outline Planning Permission is granted for the development subject to conditions and a s106 agreement and that the Committee support the principle of allocating s106 funding towards the provision of a new community building in Potton subject to the safeguards set out in this report.

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

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall commence at the site before the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**

- access
- appearance
- landscaping
- layout; and
- scale,

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

- 3 **No development shall commence at the site before a phasing plan has been submitted to and approved in writing by the Local Planning Authority. Applications for reserved matters and for the approval of details pursuant to a planning condition shall be made with reference to the relevant phase as shown on the phasing plan.**

**Reason: To ensure that different elements of the development can come forward at the appropriate time.**

- 4 **No development shall commence at a phase before details of materials to be used in the external construction of the buildings at that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that the appearance of the development would be acceptable.**

- 5 **No development shall commence at a phase before details of boundary treatment to be used at that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and shall be completed before any buildings at the phase are first brought in to use.**

**Reason: To ensure that the appearance of the development and living conditions for future occupiers would be acceptable.**

- 6 **No development shall commence at a phase before details of hard and soft landscaping for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and shall be completed before any buildings at the phase are first brought in to use.**

**Reason: To ensure that the appearance of the development would be acceptable.**

- 7 **No development shall commence at a phase before a Landscape Maintenance and Management Plan for a period of ten years from the date of submission for that phase has been submitted to and approved in writing by the Local Planning Authority. The landscaping shall be maintained and managed in accordance with the approved plan.**

**Reason: To ensure that the appearance of the site would be acceptable.**

- 8 **No development shall commence at a phase before details of protection of retained trees and/or hedges during construction at that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that trees at the site are properly protected.**

- 9 **No development shall commence at the site before a scheme for the management and maintenance of the existing hedgerow running between the North and South of the site for a period of ten years has been submitted to and approved in writing by the Local Planning Authority. The plan shall address the role of the hedge as a bat flightpath and shall be carried out as approved.**

**Reason: To ensure that landscaping and ecology at the site are properly protected.**

- 10 **No development shall commence at the site before a Lizard Translocation Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that no harm is caused to local ecology.**

- 11 **No development shall commence at the site before details of pedestrian routes within the site to its boundaries to the Northeast (Sheepwalk Close) and South (the Hollow Recreation Ground) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved in accordance with a timetable submitted to and approved in writing by the Local Planning Authority and shall permanently retained and kept clear of obstruction thereafter,**

**Reason: To ensure that there are acceptable links between the site and near by facilities.**

- 12 **No development shall commence at a phase before details of existing and proposed site and slab levels and proposed cross sections between the phase and neighbouring buildings that shall be agreed in writing beforehand at that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that the appearance of the site would be acceptable and that no harm would be caused to living conditions at neighbouring properties.**

- 13 **No development shall commence at the site before a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include details of:**

- **Predicted travel to and from the site by mode.**
- **Details of existing and proposed travel provision in the vicinity of the site, to specifically include linkages to, standard of and any specific issues related to pedestrian, cycle and public transport wider networks.**
- **Outcome based targets to reduce private car use that are realistic, reflect the site context and are informed by the local travel data. They may focus on a particular journey purpose, mode or user group.**
- **Proposed Initiatives to achieve the reduction in private car use and facilitate walking, cycling and use of public transport (to include infrastructure, information and incentives).**
- **Details of the timescale for appointment, funding and responsibilities of a Travel Plan Coordinator for the site.**
- **Timetable for implementation of proposed measures and achievement of targets.**
- **Plans for annual travel monitoring (where, how what), review of information obtained, mechanisms and funding available to implement any actions required. This needs to be carried out for a period of 5 years after which the obligation will be reviewed by the planning authority, taking account of the progress made towards targets.**
- **Details of provision of cycle parking in accordance with Central Bedfordshire guidelines.**
- **Uploading of information in the Travel Plan to iOnTRAVEL, Central Bedfordshire's travel plan management tool.**

**No part of the development shall be occupied prior to 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: In the interest of sustainable transport.**

- 14 **No development shall commence at the site before 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. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. 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, and shall also include:**

- **Full storm event simulation results with appropriate inputs and parameters demonstrating the surface water runoff rates for the QBAR, Q30, Q100 and Q100 plus climate change storm events, of the critical storm season and duration;**
- **The results of all infiltration rate testing should be submitted, including a plan to show the location of each test pit;**
- **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;**
- **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.**
- **Details of peak seasonal groundwater levels at proposed soakaway locations, as well as details of finished levels of the proposed soakaways, in relation to peak seasonal groundwater levels.**

**Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these. To protect and prevent the pollution of controlled waters (particularly the underlying Principal and Secondary aquifers, EU Water Framework Directive drinking water protected area and the Potton Brook) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements G1 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed**

**infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.**

- 15 **No development shall commence at the site before a full & detailed scheme for the provision and implementation of foul and surface water drainage and pollution control has been submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans in order to ensure a satisfactory method of foul and surface water drainage and pollution control.**

**Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these. To protect and prevent the pollution of controlled waters (particularly the underlying Principal and Secondary aquifers, EU Water Framework Directive drinking water protected area and the Potton Brook) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements G1 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.**

- 16 **No development shall take place at a phase that includes a residential use before a scheme to protect future occupiers at the dwellings within that phase from road traffic noise and noise associated with the neighbouring petrol filling station has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved prior to the occupation of any residential unit within that phase.**

**Reason: To protect living conditions at neighbouring properties.**

- 17 Deliveries to non-residential buildings at the site shall not take place outside of 0800 and 1800 Monday to Saturday and shall not take place at all on Sundays or Bank Holidays.

Reason: To protect living conditions for future occupiers.

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

Reason: To protect living conditions at neighbouring properties.

- 19 **No development shall take place at a phase that includes a residential use before details of a scheme to protect future occupiers from light associated with the Hollow Recreation Ground has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved prior to the occupation of any residential unit at the phase.**

**Reason: To protect living conditions for future occupiers.**

- 20 No residential development shall take place where the provision of a residential unit or its curtilage (Including the garden) is situated within the 1.5 ouEe/m3 contour plot as indicated on Drawing Number 11.7082SK10 dated February 2013.

Reason: To protect living conditions for future occupiers.

- 21 **No development shall take place at the site before a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved scheme.**

**Reason: To protect local heritage assets.**

- 22 **No development shall take place at the site before a Written Scheme of Building Recording for the warden's post at the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.**

**Reason: To protect local heritage assets.**

- 23 No dwelling shall be occupied at the site before a watching brief sign-off report has been submitted to and approved in writing by the Local Planning Authority. The Brief shall demonstrate that no contamination was suspected or discovered during earthworks or development and shall have been produced by a qualified Environmental Specialist. The Brief shall include photographs and contemporaneous notes along with samples, where necessary and particular attention shall be paid to the general vicinity of the adjacent petrol filling station.

Reason: To protect human health and the environment.

- 24 **No development shall commence at any phase before details of how renewable and low carbon energy sources would generate 10% of the energy needs of that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: In the interests of sustainability.**

- 25 **No development shall commence at a phase including residential units before details of the layout of play space at that phase including the type of equipment to be included and a maintenance plan have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved in advance of the occupation of any residential units at that phase.**

**Reason: To ensure that the standard of accommodation at the site would be acceptable.**

- 26 There shall be no more than 151 units at the site.

Reason: To ensure that the site is not overdeveloped.

- 27 **No development shall commence at a phase before detailed plans and sections of the proposed internal estate roads, including gradients and method of surface water disposal relating to that phase have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied at that phase before 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.**

- 28 **No development shall commence at the site before full engineering details of the roundabout junction arrangements and other off-site highway works to provide a continuous footway link to the town centre and suitable pedestrian crossings shown for indicative purposes on plans H001 and M-274P have been submitted to and approved by the Local Planning Authority and no building approved under any subsequent reserved matters application shall be brought into use until such time as the agreed works have been implemented.**

**Reason: To ensure the provision of appropriate access arrangements and associated off-site highway works in the interests of highway safety.**

- 29 This permission shall not extend to the layout and associated engineering details submitted in support of the application. All highway related development submitted for reserved matters approval shall be designed in accordance with the criteria laid out in Design in Central Bedfordshire Design Supplement & Movement, Streets and Places or any amendments thereto.

Reason: For the avoidance of doubt.

- 30 **No development shall commence at the site before details of a scheme detailing access provision to and from the site for construction traffic and 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 as approved.**

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

- 31 **No development shall commence at the site before a scheme detailing provision for on site parking for construction workers and deliveries 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 as approved.**

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

- 32 **No development shall commence at the site before 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.**

- 33 Before the new accesses are first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the highway works approved under any reserved matters application 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.**

- 34 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers M-274/P, 11.7082.SK10, 11.7082.SK11, H001, Planning, Design and Access Statement, Survey Sheet 1, Survey Sheet 2 of 2, Flood Risk Assessment prepared by MTC dated February 2013, Tree Survey and Constraints Plan prepared by Hayden's revised July 2012, Industrial Development Land report prepared by Barford and Co dated February 2013, Ecological Appraisal and protected Species report prepared by Green Environmental Consultants updated August 2013, Archaeological Field Evaluation and Heritage Asset Assessment prepared by Albion dated August 2012, Geo-Environmental Investigation prepared by MTC dated January 2012, Draft Framework Travel Plan prepared by SLR dated February 2013, Services Report prepared by MTC dated June 2012 and Transport Assessment prepared by SLR dated February 2013, except in the case of drawing numbers 11.7082.SK10, 11.7082.SK11, H001, which are indicative.

**Reason: For the avoidance of doubt.**

## Notes to Applicant

### 1. Waste

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;

treated materials can be transferred between sites as part of a hub and cluster project;

some naturally occurring clean material can be transferred directly between sites.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

Duty of Care Regulations 1991;

Hazardous Waste (England and Wales) Regulations 2005;

Environmental Permitting (England and Wales) Regulations 2010;

The Waste (England and Wales) Regulations 2011.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, including in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' for waste to be removed from site, and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

### 2. Sustainable Drainage Systems (SuDS)

The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels, which have yet to be ascertained. We consider that deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction). Deep soakaways increase the risk of groundwater pollution. See our Groundwater Protection GP3(2012) documents, particularly G9, for further information.

### 3. General

How we classify groundwater bodies within England and Wales changed in response to the Water Framework Directive and related UK enabling legislation. A summary of the changes can be found at <http://www.environment-agency.gov.uk/homeandleisure/117020.aspx>, with the new maps available on the "What's in my Backyard" section of our website.

Please also see our advice to the LPA on land contamination and related surface water drainage and foundation solutions and our technical comments on the submitted reports.

We recommend that developers should:

1. 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;
2. Refer to our **NEW** "Groundwater Protection: Principles and practice (GP3:2012 v1)" documents including waste management, land contamination, drainage and effluent drainage (<http://www.environment-agency.gov.uk/research/library/publications/144346.aspx>);
3. Refer to our 'Position Statement on the Definition of Waste: Development Industry Code of Practice';
4. Refer to our "Technical Aspects of Site Investigations" Technical Report P5-065/TR;
5. Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

4. The applicant is advised that in order to comply with this permission and implement any reserved matters development 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 Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
5. 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.
6. The applicant is advised that as a result of the reserved matters development, new highway street lighting will be required and the applicant must contact the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing

and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.

7. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the reserved matters estate roads as highways 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 Control Group, Development Management Division, 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.
8. 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 developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

The Council acted pro-actively through positive engagement with the applicant during the determination process and engaged with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were informed of the following:
  - a. Additional representation from the Potton Hall for All Committee.
  - b. Conditions 15 and 20 would be amended, as detailed in the Late Sheet and as above.
  - c. An additional condition 34 had been added above and the original condition 34 had been renumbered 35.]



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| <b>Item No. 14</b> |
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| <b>APPLICATION NUMBER</b>                | <b>CB/12/03287/FULL</b>   |
| <b>LOCATION</b>                          | <b>6 Shaftesbury Drive, Stotfold, Hitchin, SG5 4FS</b>  |
| <b>PROPOSAL</b>                          | <b>Change of use of store and lobby adjoining detached garage and annexe over detached garage from ancillary residential accommodation to separate self contained residential accommodation. (Retrospective).</b> |
| <b>PARISH</b>                            | Stotfold  |
| <b>WARD</b>                              | <b>Stotfold &amp; Langford</b>  |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs Clarke, Saunders &amp; Saunders</b>  |
| <b>CASE OFFICER</b>                      | <b>Mark Spragg</b>  |
| <b>DATE REGISTERED</b>                   | <b>26 February 2013</b>   |
| <b>EXPIRY DATE</b>                       | <b>23 April 2013</b>  |
| <b>APPLICANT</b>                         | <b>Mr Watts</b>   |
| <b>AGENT</b>                             |   |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Request by Cllr Brian Saunders on the basis of the concerns raised by the Town Council</b>   |

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| <b>RECOMMENDED DECISION</b> | <b>Full Application - Approval</b> |
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### Recommended Reasons for Granting

The proposed development would not result in any significant harm to the character and appearance of the area, or the residential amenity of any neighbouring properties and is acceptable in terms of highway safety. The proposal therefore complies with the objectives of the National Planning Policy Framework (2012) and Policies CS1, CS2, DM3 and DM4 of Central Bedfordshire Core Strategy and Development Management Policies Document (2009). It also complies with the objectives of the Central Bedfordshire Council's Technical Guidance: Design in Central Bedfordshire (2010).

### Recommendation

That Planning Permission be granted for the following reasons:

### RECOMMENDED CONDITIONS / REASONS

- 1 The self contained accommodation hereby approved shall only be occupied whilst under the ownership and management of the owner(s) of 6 Shaftesbury Drive.

Reason: Due to the relationship of the building to 6 Shaftesbury Drive and the implications for parking and amenity which would result from two unrelated properties. (Policy DM3 of the Core Strategy Development Management Policies)

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [CBC 1, CBC2, CBC 3].

Reason: For the avoidance of doubt.

### **Notes to Applicant**

1. 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](http://www.centralbedfordshire.gov.uk).

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were informed an objection had been received from Fairfield Parish Council and was detailed in the Late Sheet.]

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| <b>Item No. 17</b> |
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| <b>APPLICATION NUMBER</b>                | <b>CB/13/01276/REG3</b>   |
| <b>LOCATION</b>                          | <b>Dukeminster Estate, (South West Corner) Church Street, Dunstable, LU5 4HU</b>  |
| <b>PROPOSAL</b>                          | <b>Demolition of all existing buildings on the site and redevelopment for the construction of 83 no. Extra Care Flats for Older Persons with communal areas, support facilities and retail unit</b> |
| <b>PARISH</b>                            | <b>Dunstable</b>  |
| <b>WARD</b>                              | <b>Dunstable Icknield</b>   |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs McVicar &amp; Young</b>  |
| <b>CASE OFFICER</b>                      | <b>Mr J Spurgeon</b>  |
| <b>DATE REGISTERED</b>                   | <b>15 April 2013</b>  |
| <b>EXPIRY DATE</b>                       | <b>15 July 2013</b>   |
| <b>APPLICANT</b>                         | <b>Central Bedfordshire Council</b>   |
| <b>AGENT</b>                             | <b>Kyle Smart Associates Limited</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Contrary to Development Plan Regulation 3 application</b>  |
| <b>RECOMMENDED DECISION</b>              | <b>Regulation 3 - Approval</b>  |

### **Proposed Reasons for Granting**

Although this site is designated a Main Employment Area in the South Bedfordshire Local Plan (Policy E1) a subsequent appeal found this designation to be out of date and in the emerging Central Bedfordshire Development Strategy, to which, in line with the National Planning Policy Framework, appropriate weight should be given, the site is designated Main Employment Area lost to development. Nevertheless, the proposal includes employment generating uses as well as significant affordable accommodation for the elderly. The building would be iconic and well designed (Policies BE8, 43) and act as an uplifting gateway development to the east of the town centre. Important existing landscaping is retained and the building would also safeguard the character of the adjacent Dunstable Conservation Area. The site is brownfield land which would be remediated to a relevant degree and thus comprise regeneration of a prominent site in Dunstable.

### **Recommendation**

That the Planning Application be APPROVED under Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the following:

### **RECOMMENDED CONDITIONS**

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

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

- 2 **No development hereby approved shall commence until a detailed 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. (Policies BE8 South Bedfordshire Local Plan Review (S.B.L.P.R); 43 Development Strategy for Central Bedfordshire (DS)).**

- 3 **No development shall commence, including ground clearance, until tree protection measures in accordance with the *Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement (Ref. 2345.AIA.Dunstable.Reit)* and drawing 2345.TPP hereby approved have been implemented to the standard required by BS3998 '*Recommendations for Treework*' 2010.**

REASON: To ensure a satisfactory standard of landscaping by retaining important existing trees.  
(Policies: BE8 SBLPR; 43 DS).

- 4 If any underground services are required to be routed through the root protection areas of retained trees, such works shall be carried out in strict accordance with the guidance set out in the National Joint Utilities Group's publication *Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in proximity to Trees*.

REASON: To retain important existing trees.  
(Policies: BE8 SBLPR; 43 DS).

- 5 No removal of the low brick wall on the north-eastern side of the tree belt adjacent to western boundary of the site shall take place until details of the proposed treatment of the adjacent land have been submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard trees screening the site.  
(Policies: BE8 SBLPR; 43 DS).

- 6 **No development hereby approved shall begin until the following have been submitted to and approved in writing by the Local Planning Authority:**

- (a) a Phase 3 Remediation Method Statement containing a detailed scheme, including site plans, for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment, as recommended by the previously submitted Curtins Consulting Phase 2 Site Investigation Report of July 2011.
- (b) a Phase 4 Validation Report demonstrating the effectiveness of the Phase 3 scheme (to incorporate photographs, material transport tickets and excavation-wall chemical validation sampling), unless an alternative period is approved in writing by that Authority. Any such validation should include responses to any unexpected contamination discovered during works.

Any works which form part of the Phase 3 scheme approved by the Local Planning Authority shall be completed in full before any part of the proposed building is occupied. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and shall be adhered to.

REASON: To protect human health and the environment.  
(Policies: 43, 44 DS).

- 7 No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has 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 results of the site investigation and detailed risk assessment referred to in (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 the remediation strategy 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 written consent of the Local Planning Authority. The scheme shall be implemented as approved.**

REASON: To protect and prevent the pollution of controlled waters (particularly the underlying Principal aquifer) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121). (Environment Agency condition)  
(Policy: 44 DS).

- 8 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of 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. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: as Reason 7. (Environment Agency condition)  
(Policy: 44 DS).

- 9 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: as Reason 7. (Environment Agency condition)  
(Policy: 44 DS).

- 10 No infiltration of surface water drainage into the ground at the site 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: as Reason 7. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins. (Environment Agency condition).  
(Policy: 44 DS).

- 11 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: as Reason 7. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. (Environment Agency condition)  
(Policy: 44 DS).

- 12 **No development shall commence until a surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.**

REASON: To ensure satisfactory sustainable drainage for the site.  
(Policy: 44 DS).

- 13 **No development shall commence until samples of proposed facing materials, surfacing materials, and railings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

REASON: To ensure a quality development in the context of its situation.  
(Policies: BE8 SBLPR; 43 DS).

- 14 **Development shall not commence until a detailed waste audit addressing issues in respect of waste generated by the site clearance, construction and subsequent occupation phase of the development has been submitted to and approved in writing by the Local Planning Authority. The waste audit shall include details of:**

- (a) the anticipated nature and volumes of waste that the development will generate,**
  - (b) measures to maximise the re-use of on-site waste arising from demolition, engineering and landscaping,**
  - (c) steps to be taken to ensure effective segregation of wastes at source during demolition and subsequent construction of the development including, as appropriate, the provision of waste sorting and recovery and recycling facilities,**
  - (d) any other steps to be taken to minimise the generation of waste throughout any required demolition and during the construction of the development,**
  - (e) provision within the proposed development to encourage the occupier to manage waste effectively and sustainably,**
  - (f) provision for monitoring the implementation of steps (a) to (e) above, and**
- a timetable for implementing the above steps.**

REASON: To ensure that waste is managed sustainably during the lifetime of the development in accordance with the objectives of saved policies W5 and W6 of the Bedfordshire and Luton Waste Local Plan 2005.

- 15 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all dwellings as is necessary to achieve as a minimum standard an internal noise level of 30dB<sub>LAeq</sub>, 23:00-07:00 and 45dB<sub>LAm</sub>, 23:00-07:00 for bedrooms and 35dB<sub>LAeq</sub>, 07:00-23:00 for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55dB<sub>LAeq</sub>, 1hr in outdoor amenity areas. The effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results submitted to and approved in writing by the Local Planning Authority before any permitted dwelling unit is occupied. Furthermore, the applicant/developer shall identify any windows that need to remain closed in order for the internal noise environment to meet the required standards (other than for road traffic noise). Such windows shall be fixed closed and be non-openable with alternative means of ventilation provided for the rooms affected.

REASON: To protect occupants from externally generated noise.  
(Policies: BE8 SBLPR; 44 DS).

- 16 Fixed plant associated with the proposed development must be designed to a level which is at least 5dB(A) below the existing L<sub>A90</sub> background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise should be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant are to apply at a position 1 metre from the closest affected window of the relevant noise sensitive dwelling unit.

REASON: To prevent nuisance from noise and to safeguard the amenities of the area.  
(Policies: BE8 SBLPR; 44 DS).

- 17 Equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by non-domestic cooking and food preparation and the equipment shall be effectively operated for so long as the non-domestic 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 in writing by the Local Planning Authority prior to the installation of the equipment. The approved equipment shall be installed and in full working order to the satisfaction of that authority prior to the non-domestic food cooking and preparation use hereby permitted commencing.

REASON: To safeguard sensitive receptors from unacceptable levels of odour pollution.  
(Policies: BE8 SBLPR; 44 DS).



- 18 Before an access onto the estate road or Church Street is first brought into use, a triangular vision splay shall be provided on each side of the access 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 highways and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

(Policy: 43 DS).

- 19 Before an access onto the estate road or Church Street is first brought into use, a triangular visibility splay shall be provided on each side of the access and shall be 2.4m measured along the centre line of the access from its junction with the channel to the through road and 25m measured from the centre line of the access 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.

(Policy: 43 DS).

- 20 No part of the development hereby approved shall be brought into use until a staff Travel Plan has been approved in writing by the Local Planning Authority. The Travel Plan shall be in line with prevailing policy and best practice and shall include as a minimum:

- The identification of targets for trip reduction and modal shift
- The methods to be employed to meet these targets
- The mechanisms for monitoring and review
- The mechanisms for reporting
- Details of mitigation measures to be applied should targets not be met
- Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel Plan following monitoring and reviews.

No part of the development shall be occupied except in accordance with the provisions and timetabling of the Travel Plan.

REASON: To ensure the A5 trunk road will continue to be an effective part of the strategic Road Network in accordance with Circular 02/07 *Planning and the Strategic Road Network*. (Highways Agency direction).

(Policy: 26 DS).

- 21 The maximum gradient of all vehicular accesses onto the estate road or Church Street shall be 10% (1 in 10).

REASON: In the interests of the safety of persons using the access and users of the highway.  
(Policy: NPPF par. 32).

- 22 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: 43 DS).

- 23 The proposed retail unit shall not be brought into use unless and until full servicing and customer vehicular access can be obtained along that length of the estate road between Church Street and the delivery and retail parking provision hereby approved.

REASON: To ensure adequate off-street parking and servicing facilities for the retail unit in the interest of road safety.  
(Policy: 43 DS).

- 24 **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.  
(Policies: BE8 SBLPR, 43 DS).

- 25 **No development shall commence until details of the parking of cycles on the site, including stands and structures have been 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.  
(Policy: 24 DS).

- 26 **No development shall 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.  
(Policy: NPPF par. 32).

- 27 This permission relates only to the details shown on drawings 12050wd2.001, 002, 011 – 017, 019 – 021, 023 – 026 received 15/4/13; 2345.TPP, 2345.AIA received 15/4/13; 78310R1 received 15/4/13; 12050wd2.022A received 30/4/13; 12050wd2.010 rev.B received 10/5/13.

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

### Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. With respect to the construction phase reference should be made to the Mayor of London's Best Practice Guidance (BPG) The control of dust and emissions from construction and demolition. The impacts upon air quality are likely to be in the "High Risk" category and mitigation measures will be required, which should also include solid barriers to the site boundary.

Normal working hours should be 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday and no working on Sunday, Bank Holidays and Public Holidays. Normal working hours should be 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday and no working on Sunday, Bank Holidays and Public Holidays.

The Council does not specify permitted noise levels, instead contractors shall employ the "best practicable means" as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from their operations and shall have regard to British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites.

Measures would include contractors taking all reasonable steps to minimise noise and be reasonable in the timing of any high noise level activities. These steps would include noise mitigation measures such as temporary screening or at source insulation may have to be utilised, all vehicles, plant and machinery used during the operations are fitted with effective exhaust silencers and that all parts of such vehicles, plant or machinery are maintained in good repair and in accordance with the manufacturer's instructions and are so operated and orientated so as to minimise noise emissions. Where possible the use of generators should be avoided and mains electricity used. All compressors used shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed when the machines are in use. Where other alternatives are proposed these should be approved by the Local Authority. All ancillary pneumatic percussive tools should be fitted with approved mufflers or silencers of the type recommended by the manufacturers. All of these items must be kept in good repair and any machinery used intermittently should be shut down when not in use or, where this is impracticable, should be throttled back to a minimum.

3. The applicant is advised that if it is the intention to request the Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highway as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highway together with all the necessary highway and drainage arrangements, including runoff calculations shall be submitted to the development Planning and Control Group, Central Bedfordshire Council's Highway Help Desk, PO 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.
4. Precautions should be taken to cover open excavations at night as badgers are known to be active in the area.
5. The site is located within the groundwater Source Protection Zone of Periwinkle Lane Pumping Station, a public water supply operated by Affinity Water Ltd.. Construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. (Affinity Water advice - 01707 268111).
6. Contact should be made with Andrew McWha, Central Bedfordshire Council (0300 300 8000) prior to completion of the development in order to organise provision of waste bins.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

It is recommended that planning permission be granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Note: Prior to consideration of the application the Committee were advised of a correction to the Planning Application No. on page 5 of the agenda should read: CB/13/01276/REG3.]

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| <b>Item No. 18</b> |
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| <b>APPLICATION NUMBER</b>                | <b>CB/13/01368/OUT</b>   |
| <b>LOCATION</b>                          | <b>Dukeminster Estate, (Central &amp; North) Church Street, Dunstable, LU5 4HU</b>   |
| <b>PROPOSAL</b>                          | <b>The demolition of all buildings on the site and redevelopment for up to 170 residential dwellings together with improvements to the existing access road, associated vehicular parking and landscaped areas</b> |
| <b>PARISH</b>                            | <b>Dunstable</b>   |
| <b>WARD</b>                              | <b>Dunstable Icknield</b>  |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs McVicar &amp; Young</b>   |
| <b>CASE OFFICER</b>                      | <b>Mr J Spurgeon</b>   |
| <b>DATE REGISTERED</b>                   | <b>19 April 2013</b>   |
| <b>EXPIRY DATE</b>                       | <b>19 July 2013</b>  |
| <b>APPLICANT</b>                         | <b>Lionsgate Properties No. 1 and No. 2 Ltd</b>  |
| <b>AGENT</b>                             | <b>Planning Works Ltd</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Contrary to Development Plan</b>  |
| <b>RECOMMENDED DECISION</b>              | <b>Outline Application - Approval</b>  |

### **Proposed Reasons for Granting**

Although this site is designated a Main Employment Area in the South Bedfordshire Local Plan (Policy E1) a subsequent appeal found this designation to be out of date and in the emerging Development Strategy for Central Bedfordshire, to which, in line with the National Planning Policy Framework, appropriate weight should be given, the site is designated Main Employment Area lost to residential development. Nevertheless, employment uses are proposed or have been granted on other sites in the Estate. The proposed residential development follows a similar form to schemes which have previously been accepted, although no decisions have been issued, and would relate acceptably to its neighbours (Policy BE8). Conditions would reserve certain biodiversity and landscape matters for later detailing. A S106 Agreement would be the instrument to release adjacent land for development of an affordable Extra Care housing scheme and the viability of that scheme would depend on the reduction of infrastructure contributions and the deletion of affordable housing requirements in this scheme. The importance of Council objectives in affordable care for the older person in accordance with Policy 31 of the emerging Development Strategy justifies this decision. The site is brownfield land which would be remediated to a relevant degree and thus comprise regeneration of a significant site in Dunstable.

## Recommendation

That, subject to the satisfactory completion of a Planning Agreement under S106 of the Act to secure terms for the offer of land to this Council, the provision of a pedestrian and cycle link to the Luton and Dunstable Busway and an infrastructure contribution related to the proposal, the Application be APPROVED subject to the following:

### RECOMMENDED CONDITIONS

- 1 **Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**
  - appearance
  - landscaping
  - layout; and
  - scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with Article 4.

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

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

**REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**

- 3 **No development shall begin until a detailed landscaping scheme to include any hard surfaces and earth mounding has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**REASON: To ensure a satisfactory standard of landscaping. (Policy BE8 South Bedfordshire Local Plan Review (SBLPR); 43 Development Strategy for Central Bedfordshire (DS)).**

- 4 **No development shall commence, including ground clearance, until a Tree Protection Plan has been submitted incorporating the tree protection measures contained in the Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement (Ref. 2354.AIA.Dunstable.Reit) and drawing 2354.TPP hereby approved, together with tree protection measures to safeguard selected trees in Group J. A schedule of the trees in Group J to be protected shall be submitted to and approved by the Local Planning Authority prior to the submission of the Tree Protection Plan. These measures shall be implemented to the standard required by BS3998 'Recommendations for Treework' 2010.**

REASON: To ensure a satisfactory standard of landscaping by retaining important existing trees. The appropriateness of removing all trees within Group J has not been demonstrated.  
(Policies: BE8 SBLPR; 43 DS).

- 5 If any underground services are required to be routed through the root protection areas of retained trees, such works shall be carried out in strict accordance with the guidance set out in the National Joint Utilities Group's publication Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in proximity to Trees.

REASON: To retain important existing trees.  
(Policies: BE8 SBLPR; 43 DS).

- 6 The low brick wall on the north-eastern side of the tree belt adjacent to western boundary of the site shall be retained in its existing position and at its existing height and length. There shall be no reduction in its height and length and no sections of the wall shall be removed without the prior written approval of the Local Planning Authority.

REASON: To safeguard trees screening the site.  
(Policies: BE8 SBLPR; 43 DS).

- 7 All excavations and trenches, where they pass under the canopy of any tree, shall be hand dug so as to minimise damage to its root system; a minimum of 10 days notice shall be given in writing to the Local Planning Authority of an intention to commence such excavations or trenching.

REASON: To safeguard trees screening the site.  
(Policies: BE8 SBLPR; 43 DS).

- 8 Prior to the submission of any reserved matters application a scheme of mitigation in relation to badgers, drawing on a suitably up-to-date survey, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented prior to the commencement of the development and thereafter retained.

REASON: To ensure adequate protection of protected species.  
(Policy: 57 DS).

- 9 **No development shall commence, including site clearance, unless and until a survey of reptiles has taken place on the site and appropriate mitigation provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**

REASON: The previous surveys will be out of date by the time development commences.

(Policy: 57 DS).

- 10 Prior to the submission of any reserved matters a Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Code shall address and codify the following matters:
- a. spatial arrangement of dwellings and roads
  - b. scale
  - c. building form and height
  - d. architectural composition
  - e. private amenity space, arrangements for storage and collection of refuse and recyclables and arrangements for cycle parking
  - f. public realm including public art
  - g. privacy
  - h. phasing of development

Reserved matters applications and the implementation of the development shall thereafter accord with the approved Design Code details.

REASON: To ensure a satisfactory quality of urban design in this significant site.

(Policies: BE8 SBLPR; 43 DS).

- 11 **No development hereby approved shall begin until the following have been submitted to and approved in writing by the Local Planning Authority:**
- (a) **a Phase 3 Remediation Method Statement containing a detailed scheme, including site plans, for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment, as recommended by the previously submitted Curtins Consulting Phase 2 Site Investigation Report of July 2011.**
  - (b) **a Phase 4 Validation Report demonstrating the effectiveness of the Phase 3 scheme (to incorporate photographs, material transport tickets and excavation-wall chemical validation sampling), unless an alternative period is approved in writing by that Authority. Any such validation should include responses to any unexpected contamination discovered during works.**

**Any works which form part of the Phase 3 scheme approved by the Local Planning Authority shall be completed in full before any part of the proposed building is occupied. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and shall be adhered to.**

REASON: To protect human health and the environment.

(Policies: 43, 44 DS).



- 12 **No development shall begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) prepared by Cannon Consulting Engineers Ref: CCE/H971/01/FRA Issue No 2 dated April 2013 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 include on-site surface water management as outlined in the Section 3.4 of the FRA.**

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. (Environment Agency condition).

(Policy: 49 DS).

- 13 **No development shall commence until a foul water strategy 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 foul water strategy so approved.**

REASON: To prevent environmental and amenity problems arising from flooding. (Anglian Water condition)

(Policy: 49 DS)

- 14 **No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has 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 results of the site investigation and detailed risk assessment referred to in (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 the remediation strategy 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 written consent of the Local Planning Authority. The scheme shall be implemented as approved.**

REASON: To protect and prevent the pollution of controlled waters (particularly the underlying Principal aquifer) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121). (Environment Agency condition)  
(Policy: 44 DS).

- 15 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of 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. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: as Reason 13. (Environment Agency condition)  
(Policy: 44 DS).

- 16 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: as Reason 13. (Environment Agency condition)  
(Policy: 44 DS).

- 17 No infiltration of surface water drainage into the ground at the site 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: as Reason 13. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins. (Environment Agency condition).  
(Policy: 44 DS).

- 18 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON: as Reason 13. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. (Environment Agency condition)  
(Policy: 44 DS).

- 19 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all dwellings as is necessary to achieve as a minimum standard an internal noise level of 30dB<sub>LAeq</sub>, 23:00-07:00 and 45dB<sub>LAm</sub>, 23:00-07:00 for bedrooms and 35dB<sub>LAeq</sub>, 07:00-23:00 for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55dB<sub>LAeq</sub>, 1hr in outdoor amenity areas. Unless otherwise agreed in writing by the Local Planning Authority the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results submitted to and approved in writing by the Local Planning Authority before any permitted dwelling unit is occupied. Furthermore, the applicant/developer shall identify any windows that need to remain closed in order for the internal noise environment to meet the required standards (other than for road traffic noise). Such windows shall be fixed closed and be non-openable with alternative means of ventilation provided for the rooms affected.

REASON: To protect occupants from externally generated noise.  
(Policies: BE8 SBLPR; 44 DS).

- 20 No part of the development hereby approved shall be brought into use until a Travel Plan has been approved in writing by the Local Planning Authority. The Travel Plan shall be in line with prevailing policy and best practice and shall include as a minimum:
- The identification of targets for trip reduction and modal shift
  - The methods to be employed to meet these targets
  - The mechanisms for monitoring and review
  - The mechanisms for reporting
  - Details of mitigation measures to be applied should targets not be met
  - Implementation of the travel plan to an agreed timescale or timetable and its operation thereafter
  - Mechanisms to secure variations to the Travel Plan following monitoring and reviews.

No part of the development shall be occupied except in accordance with the provisions and timetabling of the Travel Plan.

REASON: To ensure the A5 trunk road will continue to be an effective part of the strategic Road Network in accordance with Circular 02/07 Planning and the Strategic Road Network. (Highways Agency direction).  
(Policy: 26 DS).

- 21 **No development shall commence until a detailed waste audit addressing issues in respect of waste generated by the site clearance, construction and subsequent occupation phase of the development has been submitted to and approved in writing by the Local Planning Authority. The waste audit shall include details of:**
- a. the anticipated nature and volumes of waste that the development will generate,
  - b. measures to maximise the re-use of on-site waste arising from demolition, engineering and landscaping,
  - c. steps to be taken to ensure effective segregation of wastes at source during demolition and subsequent construction of the development including, as appropriate, the provision of waste sorting and recovery and recycling facilities,
  - d. any other steps to be taken to minimise the generation of waste throughout any required demolition and during the construction of the development,
  - e. provision within the proposed development to encourage the occupier to manage waste effectively and sustainably,
  - f. provision for monitoring the implementation of steps (a) to (e) above, and
  - g. a timetable for implementing the above steps.

REASON: To ensure that waste is managed sustainably during the lifetime of the development in accordance with the objectives of saved policies W5 and W6 of the Bedfordshire and Luton Waste Local Plan 2005.

- 22 **Development shall not begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access thereto 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.**  
(Policy: 43 DS)

- 23 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.  
(Policy: 43 DS)

- 24 No more than 49 dwellings shall be occupied unless and until a 3.0m wide footway/cycleway with 0.15m clearance either side has been constructed between the new highway to the development and the existing carriageway of the Mall in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The said footway/cycleway shall also double as an emergency vehicle access for the development. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed access.

Reason: In the interests of sustainability and to ensure free movement of traffic. (Policies: 24, 43 DS)

25. The detailed layout to be submitted shall include the provision of a 'Bring Site'.

Reason: To provide a satisfactory scale of recycling opportunities within the development.  
(Policy: 44)

- 26 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2429/409 rev.A, 410 rev.A, M10026-A-003 rev.D, received 19/4/13, but excluding the indicative master plan 2429/407 rev.A, received 19/4/13.

Reason: For the avoidance of doubt.

### Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. With respect to the construction phase reference should be made to the Mayor of London's Best Practice Guidance (BPG) The control of dust and emissions from construction and demolition. The impacts upon air quality are likely to be in the "High Risk" category and mitigation measures will be required, which should also include solid barriers to the site boundary.

Normal working hours should be 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday and no working on Sunday, Bank Holidays and Public Holidays. Normal working hours should be 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday and no working on Sunday, Bank Holidays and Public Holidays.

The Council does not specify permitted noise levels, instead contractors shall employ the "best practicable means" as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from their operations and shall have regard to British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites.

Measures would include contractors taking all reasonable steps to minimise noise and be reasonable in the timing of any high noise level activities.

These steps would include noise mitigation measures such as temporary screening or at source insulation may have to be utilised, all vehicles, plant and machinery used during the operations are fitted with effective exhaust silencers and that all parts of such vehicles, plant or machinery are maintained in good repair and in accordance with the manufacturer's instructions and are so operated and orientated so as to minimise noise emissions. Where possible the use of generators should be avoided and mains electricity used. All compressors used shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed when the machines are in use. Where other alternatives are proposed these should be approved by the Local Authority. All ancillary pneumatic percussive tools should be fitted with approved mufflers or silencers of the type recommended by the manufacturers. All of these items must be kept in good repair and any machinery used intermittently should be shut down when not in use or, where this is impracticable, should be throttled back to a minimum.

3. The site is located within the groundwater Source Protection Zone of Periwinkle Lane Pumping Station, a public water supply operated by Affinity Water Ltd.. Construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. (Affinity Water advice - 01707 268111).
4. Further to condition 8, the submitted Badger Report highlights the presence of badgers in respect of the site. Being a protected species any development which affects them will also require a licence from Natural England. Such development would likely include any proposed removal of trees on the eastern boundary. Both to provide a realistic detailed layout and to obtain a licence further survey work will be necessary in due course. It is recommended that discussions take place with the Council to guide the layout options in the most sensitive areas. The developer is also advised to cover open excavations at night.
5. The reserved matters application should be accompanied by an existing and final ground levels drawing to take account of any increase in levels following remediation or movement of contaminated soils.
6. The developer is strongly recommended to consider local housing demand when considering the final mix of accommodation in order that the development may address the needs of the local community as a first priority.
7. In line with national policy guidance the number of conditions relating to highway and transport matters has been reduced at outline stage from the previous decisions relating to the site. However, it is important to address current Local Planning Authority guidance and policy when drawing up the detail. In particular the indicative layout as submitted does not reflect current standards as concern shared space, vehicle and pedestrian visibility, free movement of vehicles in squares and some turning areas, use of and manoeuvrability in rear parking courts, and private accesses crossing a pedestrian link. The allocation and provision of parking spaces is also

unclear in this submission.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

It is recommended that planning permission be granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Note: Prior to consideration of the application the Committee were informed of an amendment to Condition 19 and the addition of conditions 24 and 25 as contained within the Late Sheet.]

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| <b>Item No. 13</b> |
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| <b>APPLICATION NUMBER</b>                | <b>CB/12/01722/RM</b>   |
| <b>LOCATION</b>                          | <b>Land at 59 &amp; 69 The Green, Stotfold, Hitchin, SG5 4AN</b>  |
| <b>PROPOSAL</b>                          | <b>Reserved Matters: Residential development of 33 dwellings (pursuant to outline planning permission CB/10/02061/REN dated 31 August 2010)</b>   |
| <b>PARISH</b>                            | <b>Stotfold</b>   |
| <b>WARD</b>                              | <b>Stotfold &amp; Langford</b>  |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs Clarke, Saunders &amp; Saunders</b>  |
| <b>CASE OFFICER</b>                      | <b>Nikolas Smith</b>  |
| <b>DATE REGISTERED</b>                   | <b>10 May 2012</b>  |
| <b>EXPIRY DATE</b>                       | <b>09 August 2012</b>   |
| <b>APPLICANT</b>                         | <b>Abbey New Homes</b>  |
| <b>AGENT</b>                             | <b>AAP Architecture</b>   |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>A decision on this application was deferred by the Committee in March to allow an opportunity to look again at car parking and the relationship of the site with the near by skate park. The application was originally before the Committee because of an Objection from the Town Council to a major application.</b> |
| <b>RECOMMENDED DECISION</b>              | <b>Reserved Matters - Grant subject to conditions</b>   |

**Reason that the application is recommended for approval:**

The principle of the development on this site has already been established on the outline planning permission (CB/10/02061/REN), and the details in this application relating to layout, scale, external materials, landscaping and noise impacts, are considered to be acceptable to preserve the character of the area, and the residential amenity of neighbouring and new properties. Therefore, by reason of its site, design and location, the proposal is in conformity with Policy DM3 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.

**Recommendation**

That Planning Permission be **Granted** subject to the following conditions:

- 1 No development shall commence until a Site Waste Management Plan has been produced and submitted and approved by the Local Planning Authority.**

**The applicant will need to provide the following information:**

**The location and size of proposed collection points  
Details of the designs of any communal bin stores and the access to the store for collection vehicles. This should not**

**exceed 10 metres from the rear of the collection vehicle to the store.**

**The development shall be completed in accordance with these approved details.**

**Reason: To ensure that there is sufficient provision for managing household waste on the site and in accordance with policy DM3.**

- 2 The landscaping works of the development hereby permitted shall be carried out in accordance with the details and notes on Drawing No.s P860/100; JBA 11/273-403 C; JBA 11/273 402 C.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is complemented by an appropriate landscaping scheme, in accordance with policy DM3.

- 3 **No development shall commence until samples and details of materials to be used for the external finishes of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**

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

- 4 Notwithstanding the width of the garages shown on the drawings submitted with this application, the garages hereby approved shall have a width of no less than 3.3metres (including piers) and 3.15metres (excluding piers).

Reason: For the avoidance of doubt and to ensure that the garages conform to the Council's Adopted Design Guidance Supplement 7, Paragraph 6, 10.4, so that they can properly accommodate the parked car, cycle parking, storage and allow for sufficient access into the car whilst parked in the garage.

- 5 No development shall be carried out on the site until details of the proposed acoustic fencing, acoustic trickle vents and 'built-in' blinds to windows, have been submitted to and approved in writing by the Local planning Authority. Once approved, the development shall be carried out in accordance with the approved details and the dwellings shall not be occupied until the approved details are installed and retained in situ thereafter.

Reason: In order to ensure residential amenity is safeguarded in accordance with the submitted layout plan and mitigation details, to comply with policy DM3 of the Core Strategy and Development Management

policies DPD 2009.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: P860.120; P860/123 A; P860.110 A; P860.105; P860.108; P860.122; P860.112 A; P860.119; P860.118; P860.113; P860.117; P860.111; P860.101; P860.109; P860.104; P860.115; P860.107; P860.114; P860.116; P860.121; P860.103 A; P860.102 A; P860.106; 0110 A; P860/100 K; JBA 11/273 402 C; JBA 11/273-403 C; Measured Works Schedule, Detailed Soft Layout Proposals, James Blake Associates; Arboricultural Implications Assessment and Arboricultural Method Statement Combined, January 2012.

Reason: For the avoidance of doubt.

**Statement as required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 – Article 31**

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Note: In advance of consideration of the application the Committee were informed of a correction to the report at page 175 which should read “approval that the width of the garages must comply with the Council’s standards.”, which was detailed in the Late Sheet along with a revised list of drawing numbers.]

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| <b>Item No. 19</b> |
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| <b>APPLICATION NUMBER</b>                | <b>CB/13/01838/FULL</b>  |
| <b>LOCATION</b>                          | <b>1 Carlisle Close, Dunstable, LU6 3PH</b>                                  |
| <b>PROPOSAL</b>                          | <b>Front dormer (Extension to approved loft conversion CB/12/02192/FULL)</b> |
| <b>PARISH</b>                            | <b>Dunstable</b>   |
| <b>WARD</b>                              | <b>Dunstable Watling</b>   |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs Hollick &amp; Miss Sparrow</b>                                      |
| <b>CASE OFFICER</b>                      | <b>Nicola Darcy</b>  |
| <b>DATE REGISTERED</b>                   | <b>29 May 2013</b>   |
| <b>EXPIRY DATE</b>                       | <b>24 July 2013</b>  |
| <b>APPLICANT</b>                         | <b>Mr Hollick</b>  |
| <b>AGENT</b>                             | <b>SKETCH3D Design &amp; Drafting</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Applicant is an Elected Member</b>  |
| <b>RECOMMENDED DECISION</b>              | <b>Full Application - Approval</b>   |

### Recommended Reasons for Granting

The proposal would not have a detrimental 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 therefore by reason of its site, design and location, is in conformity with Policies BE8, H8 and T10 of the South Bedfordshire Local Plan Review 2004, Policies 27 and 43 of the emerging Development Strategy for Central Bedfordshire and the National Planning Policy Framework. It is further in conformity with the technical guidance Design in Central Bedfordshire, a Guide for Development, 2010.

### Recommendation

That Planning Permission be GRANTED subject to the following:

### RECOMMENDED 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 New external facing materials shall match those of the existing building as closely as possible.

Reason: To ensure that the development is in keeping with the existing building.  
(Policies BE8 & H8 S.B.L.P.R and Policy 43 D.S.C.B).

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 13018-10 Rev A, 13018-20, 13018-30, 13018-40, 13018-50, 13018-60, 13018-70, 13018-80, 13018-90 & 13018-91.

Reason: For the avoidance of doubt.

### **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 South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
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.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Note: Prior to consideration of the application the Committee were advised that the Town Council had no objections to the Planning Application.]