

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 11 September 2013

### PRESENT

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

Cllrs	P N Aldis	Cllrs	Mrs S Clark
	A R Bastable		I Dalgarno
	R D Berry		D Jones
	M C Blair		T Nicols
	D Bowater		I Shingler
	A D Brown		B J Spurr
	Mrs C F Chapman MBE		J N Young

Apologies for Absence: Cllrs K Janes  
Ms C Maudlin

Substitutes: Cllrs Mrs R B Gammons (In place of Ms C Maudlin)  
N Warren (In place of K Janes)

Members in Attendance: Cllrs Mrs A Barker  
P A Duckett  
Mrs J G Lawrence  
D J Lawrence,

Officers in Attendance:	Mr D Ager	Highways Officer
	Miss H Bell	Committee Services Officer
	Mr A Bunu	Senior Planning Officer
	Mr J Clements	Planning Officer
	Mr M Cornell	Principal Highway Engineer
	Mr A Davie	Head of Development Management
	Mr J Ellis	Planning Manager West
	Mr A Emerton	Managing Solicitor Planning, Property, Highways & Transportation
	Mrs D Lavender	Planning Officer
	Mr N Smith	Senior Planning Officer
	Miss L Westley	Senior Planning Officer

DM/13/7

### Chairman's Announcements

The Chairman advised that the order of business would be varied and that applications would be determined as follows: Agenda Item 7, 9, 6, 10, 11, 12, 8 & 13.

DM/13/8 **Minutes**

**RESOLVED**

**that the Minutes of the meeting of the Development Management Committee held on 14 August 2013 be confirmed and signed by the Chairman as a correct record.**

DM/13/9 **Members' Interests**

(a) **Personal Interests:-**

All Members of the Committee declared a Personal Interest upon Agenda Item No 9 due to Mr Lockey, a Public Speaker being a former Mid Beds District Councillor.

<b>Member</b>	<b>Item</b>	<b>Nature of Interest</b>	<b>Present or Absent during discussion</b>
Cllr Aldis	11	Know applicant	Present
Cllr Young	6	Attended several meetings with Developer	Present
Cllr Shingler	7	Contact made from objector, did not comment	Present
Cllr Shingler	8	Know objector as detailed in report	Present
Cllr Brown	7	Public Speaker was in past a close neighbour	Present
Cllr Berry	13	Have spoken to neighbour at 4 Sandy Lane, did not express an opinion	Present
Cllr Berry	12	Live within a mile of application site	Withdrew
Cllr Spurr	13	Know of many of residents from previous years	Present

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

There were none.

(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	Marston Moretaine Parish Council	Did not vote
Cllr Shadbolt	13	Leighton Buzzard Town Council	Did not vote
Cllr Aldis	11	Sandy Town Council	Did not vote
Cllr Blair	9	Maulden Parish Council	Did not vote
Cllr D Lawrence	6	Biggleswade Town Council	Did not vote

DM/13/10 **Planning Enforcement Cases Where Formal Action Has Been Taken**

**RESOLVED**

*that the monthly update of planning enforcement cases as identified in the report where formal action had been taken were received.*

DM/13/11 **Late Sheet**

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

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

DM/13/12 **Planning Application No. CB/13/02017/FULL**

**RESOLVED**

**That Planning Application No CB/13/02017/FULL relating to Unit A & R, Stratton Business Park , London Road, Biggleswade be approved in consultation with the Chairman, Vice Chairman and Executive Member for Sustainable Communities, Strategic Planning and Economic Development as set out in the Schedule appended to these Minutes.**

DM/13/13 **Planning Application No. CB/13/02542/FULL**

**RESOLVED**

**That Planning Application No CB/13/02542/FULL relating to Lombardi's Pizza, Red Lion, Deadman's Cross, Shefford be approved as set out in the Schedule appended to these Minutes.**

DM/13/14 **Planning Application No. CB/13/01850/FULL**

**RESOLVED**

**That Planning Application No CB/13/01850/FULL relating to 18 Chapel Road, Flitwick be approved as set out in the Schedule appended to these Minutes.**

DM/13/15 **Planning Application No. CB/13/02102/FULL**

**RESOLVED**

**That Planning Application No CB/13/020102/FULL relating to 81 Ampthill Road, Maulden be approved as set out in the Schedule appended to these Minutes.**

DM/13/16 **Planning Application No. CB/13/01919/FULL**

**RESOLVED**

**That Planning Application No CB/13/01919/FULL relating to 1A Station Road, Marston Moretaine be approved as set out in the Schedule appended to these Minutes.**

DM/13/17 **Planning Application No. CB/13/02393/FULL**

**RESOLVED**

**That Planning Application No CB/13/02393/FULL relating to 38 Bedford Raod, Sandy be approved as set out in the Schedule appended to these Minutes.**

**DM/13/18 Planning Application No. CB/13/02037/VOC**

**RESOLVED**

**That Planning Application No CB/13/02037/VOC relating to Double Arches Quarry, Eastern Way, Heath & Reach, Leighton Buzzard be approved as set out in the Schedule appended to these Minutes.**

**DM/13/19 Planning Application No. CB/13/02360/FULL**

**RESOLVED**

**That Planning Application No CB/13/02360/FULL relating to Land adjacent to 2 Sandy Lane, Leighton Buzzard be approved as set out in the Schedule appended to these Minutes.**

**A request for a recorded vote upon the decision for this planning application was made and voted upon. Upon being put to the vote to approve the application, the following vote was recorded:**

**Councillors: Nicols, Gammons, Jones, Chapman, Brown, Berry, Young.**

**Voted in accordance with the proposal to approve the application.**

**Councillors: Aldis, Shingler, Dalgarno, Bowater, Bastable, Spurr & Shadbolt.**

**Voted against the recommendation to approve the application.**

**Councillors: Warren & Clark abstained.**

**Councillor Matthews used his Casting Vote as Chairman to approve the application.**

**The recommendation was approved. 8 for, 7 against and 2 abstained.**

DM/13/20 **Site Inspection Appointment(s)**

**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 Monday 7 October 2013:**

**Chairman (or his nominee)**  
**Vice-Chairman (or his nominee)**  
**Cllrs P N Aldis**  
**A Bastable**  
**D Bowater**

(Note: The meeting commenced at 10.00 a.m. and concluded at 2.10 p.m.)

Chairman .....

Dated .....

**LATE SHEET****DEVELOPMENT MANAGEMENT COMMITTEE – 11.09.2013**

***Item 6 (Pages 13 - 34) – CB/13/02017/FULL – Unit A & R, Stratton Business Park, London Road, Biggleswade, SG18 9QR***

**Updates:**

A contribution of £10,000 towards sustainable transport projects in the area would be made by the applicant and secured through a s106 agreement.

For clarity, the first paragraph of Section 2 (appearance) refers to the existing situation at the site.

**Representations:**

One letter of objection has been received, that raises the following issues:

The proposed use would conflict with the site allocation.

The development could undermine aspirations to develop at nearby sites.

Consideration should be given the aspirations to extend the adjacent site (Unit B) when assessing this planning application.

**Conditions:**

It is recommended that the following conditions and informatives be attached to any consent:

1/ The development shall not be occupied before all access and junction arrangement and off-site highway improvements serving the development have been 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 and highway arrangements appropriate to the development, in the interest of public safety and convenience.

**2/ No development shall commence at the site before details of the phasing of all the highway works has been submitted to and approved in writing by the Local Planning Authority. The approved phasing schedule shall be implemented to the satisfaction of the highway authority.**

**Reason: In order to ensure that the approved development takes place in a comprehensive manner having regard to the highway safety and capacity.**

3/ Before first occupation or use of the development the customer and staff parking areas and service yard as shown on the approved plan shall be provided and maintained thereafter for that use.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

**4/ No development shall commence at the site before details of wheel cleaning facilities to be provided on site during site preparation and construction have been submitted to, and approved in writing by, the local planning authority. As approved these shall be installed before any development commences and shall be retained in working order during the whole of the site preparation and construction period. All vehicles leaving the site shall use the facilities.**

Reason: In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interests of highway safety and visual amenity.

**5/ 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.**

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

Condition 4 as shown in the report would be amended to read:

**i) The development shall not be occupied before a site wide travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include details of:**

- **Initiatives of joint working with local employers and shared travel plan activities across London Road Retail Park and Plot 'S';**
- **Predicted travel journeys to and from the site and targets to reduce journeys;**
- **transport links, to include pedestrian and cycling links and details of public transport to and from the site;**
- **A timetable to implement the identified measures to minimise private car use and incentives to encourage walking, cycling and to promote travel choice;**
- **The mechanism for monitoring and review annually for a period of five years from the date that the travel plan detailed within this condition has been approved in writing by the Local Planning Authority;**
- **Cycle parking;**
- **The appointment and role of the travel plan co-ordinator;**
- **Promotion of the approved travel plan to all occupiers of the site.**

**ii) Before the development is brought in to use, the approved travel plan shall be submitted to the Local Planning Authority for review and approval so that prevailing conditions at that time can be considered and the plan adjusted as necessary at that time.**



**The development, hereby approved, shall only be used in accordance with the approved travel plan and the timetable agreed within to implement measures to minimise private car use and incentives to encourage walking, cycling and to promote travel choice.**

**Reason: In the interests of sustainable travel.**

This would safeguard against a position where a potential occupier agrees to a Travel Plan but does not then occupy the building.

Informatives:

The applicant is advised that in order to comply 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.

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

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

***Item 7 (Page 35-45) – CB/13/02542/FULL – Lombardi's Pizza, Red Lion, Deadmans Cross, Shefford, SG17 5QQ***

**Additional Consultation/Publicity Responses**

Haynes Parish Council Response – OBJECT

The application would have a detrimental effect on a dangerous stretch of road. Since the last planning application a speed survey has been carried out by Bedfordshire Police, which indicates that speeding occurs.

The new application will undoubtedly create even more traffic movements and the location is inappropriate for this type of activity.

Access arrangements are also inadequate, in light of speed of traffic and camber of road. Needs to be significant traffic calming measures implemented.

The application would have an adverse impact on the open countryside.

Neighbour Consultations – (One additional objection received)

Deadmans Cross will be seen as massive car lot, rather than a residential hamlet.

Although 'Speed Watch' is carried out on a regular basis, the road is a lot busier due to new housing developments in Shefford and New Cardington. Does the Central Bedfordshire Council have any plans for traffic calming, as there will be an increase in traffic movement both in and out of the site?

Planning permission has already been refused opposite for improvements to the original car sales opposite, seems unfair that this business can start up opposite.

The application would have a visually detrimental effect on the hamlet, and increase the traffic on a dangerous stretch of road.

Highway Officer –

No objection to the proposal, subject to the imposition of conditions.

It is noted that the Highway Officer has recommended that the applicant provides vehicle actuated signage on approach to the site. However, in planning terms it is not considered reasonable to require the applicant to provide this, or relevant to the proposal and therefore would not pass the condition tests.

**Additional Comments**

The Officers report, on page 40, in the second paragraph under Section 2 - *Impact on character of the area and streetscene*, refers to the car sales yards as North and South. However, it would be more correct to refer to them as West and East.

**Additional/Amended Conditions/Reasons**

**Revised Condition 2 -**

2. Within one month of the date of this permission, details of surfacing materials and surface water drainage for the site, shall be submitted to the Local Planning Authority. Within two months of the details being approved, the approved surfacing materials and drainage works shall be constructed and implemented on site and thereafter retained for the duration of the development.

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

**Additional Conditions**

8. The kerb build out adjacent to parking bay 1, and the area between the rear of bays 1 and 2 and the highway way boundary, shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining carriage way level.

Reason: To provide driver/ driver intervisibility between vehicles using the bays and the access and for the avoidance of doubt, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

9. Within 1 month of the date of this permission, details of a light goods vehicle parking space for the loading/unloading for the restaurant/letting rooms and fast food takeaway and keep clear signage for this bay, shall be submitted to and approved in writing by the Local Planning Authority, and within one month of that approval, the loading/unloading space shall be located and constructed in accordance with the approved details and the signage installed.

Reason: To provide an adequate loading/unloading bay for the existing restaurant/letting rooms/fast food takeaway, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

***Item 8 – CB/13/01850/FULL (pages 47 – 58) – 18 Chapel Road, Flitwick, Bedford, MK45 1EA*****Additional Consultation/Publicity Responses**

With respect to the revised plan indicating details including boundary treatments, retention of boundary hedges and two parking spaces to the front of the site for the use of the two bedroomed existing house (18 Chapel Road) The highways officer remains of the view that the proposal remains acceptable in a highways context.

One neighbour has advised that she still has objections on grounds of loss of amenity, privacy and intrusion. The plans indicate overdevelopment amidst long established and traditional garden environments of the surrounding locality. The project has more to do with opportunistic garden grabbing that providing affordable housing. Attention is drawn to the Government's announcement of 8 June 2010 on this subject.

**Additional Comments**

There are no additional comments

**Additional Condition:**

There are no additional conditions

**Additional Informative:**

It is recommended that the following Informative be attached to any planning permission.

The applicant is advised to require that lorries and vans involved in the construction of the development hereby approved only come to the site during the hours of 09:00 and 17.50 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on Sundays, Banks or Public Holidays.

**Item 9 – CB/13/02102/FULL – (pages 59 - 70) 81 Ampthill Road, Maulden, Bedford, MK45 2DH**

**Revised plan received 6/09/2013.**

A revised site layout plan and accompanying letter were received on 6/09/2013 (PL106/A/B) showing the removal of the parking space to the side of the proposed bakery and the erection of a screen wall to the front of this area with a refuse storage area behind this wall. A gated access is shown alongside this screen wall - and behind the wall and gate is to be a paved area.

This revision will prevent any conflict between pedestrians to the hairdressers, bakery and flats with any car parked in this area. The omission of this parking space will enable vehicles to park on the road in front of this area.

**Additional Consultation/Publicity Responses**

The highways officer is not raising any objections to the revised site layout plan

**Minor changes to the report.**

Page 61 of agenda: 'Summary of decision' is amended to 'Summary of recommendation'.

Para 1: row eight '*additional*' is changed to '*additional*'  
row nine '*this*' is changed to '*these*'

**Additional and amended Conditions**

The conditions are to be re numbered consecutively.

Condition 5 – (to be re-numbered to condition 4) to be reworded so that it begins with: '*Before the use commences ...*'

Condition 6 – (to be re-numbered to condition 5) to be reworded to state ' .. *in accordance with condition 4...*'

Condition 10 – (to be re-numbered to condition 9) to include revised plan number: PL106/A/B and to remove reference to PL106/A/A

A new condition to be attached which states:

*'Before the development commences details of the brick screen wall, frontage gate and the paved area behind these shall be submitted to and approved in writing by*

*the Local Planning Authority and the approved details shall be implemented prior to the commencement of the use of the retail unit hereby permitted.*

*Reason: To safeguard the safety of pedestrians to the retail unit, flats and hairdressers.*

#### **Additional Informative:**

An informative be attached which reads:

*The applicant is advised that the development must comply with the requirements of the Disability Discrimination Act 2005.*

### **Item 11 (Page 83-92) – CB/13/02393/FULL – 38, Bedford Road, Sandy, SG19 1EW**

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

##### Sandy Town Council – Object

The pitch is not symmetrical, lintels, height of the wall, colour of the brick used does not match the brick on the main building and will have an overbearing impact on the near neighbour. In addition it is disappointing that the front boundary wall has been demolished and an additional four car parking spaces at the front have been made.

##### Neighbour representations

A third party representation has been received from the adjoining neighbouring owner/occupier of No. 40 Bedford Road in objection to the application for the following reasons:

- The plans are incorrect. The plans indicate the wall on the boundary to measure 2.64 metres in height. This currently stands at 2.73 metres and will rise to 2.79 metres when coping stones are added;
- 0.30 metres higher than approved this creates a sever tunnelling impact and a significant loss of light;
- The wall is unattractive and badly constructed;
- The asymmetrical roof pitch is completely out of proportion and style with the existing house;
- The lintels are not correctly gauged and look ugly;
- The brick colour does not match the existing and is unsympathetic and new and old brick courses have not been aligned; and
- The extension has been constructed quickly and cheaply due to trespass as the proposal encroached on the neighbouring land of No.40.

It is considered that the above concerns raised in both the consultation response received from the Town Council and the third party representation from the owner/occupier of 40 Bedford Road have been addressed within the Officer's report to the Development Management Committee and no revisions to the report are required.

***Item 12 (Page 93 - 131) – CB/13/02037/VOC – Double Arches Quarry, Eastern Way, Heath and Reach***

**Amendment to conditions**

A request has been received from the applicant to :

1. Change the time limit of the permission from 3 to 5 years as per original permission in order to offer flexibility to the implementation timetable.
2. With the removal of Condition 11, it follows that Condition 12 should also be removed given that both conditions are closely related. It is however considered that whilst this might be the case, Condition 12 should have been included in the application to afford interested parties an opportunity to comment on it.

**Amended Condition**

- **Condition 1 – pg 119** (Time limit) – replace 3 with 5 years as per original permission. (CB/10/03034/FULL).

***Item 13 – (page 133 - 145) - CB/13/02360/FULL – Land Adj. to 2 Sandy Lane, Leighton Buzzard, Beds, LU7 3BE***

**Additional Consultation/Publicity Responses:** N/A

**Additional Comments**

Revised parking plan received on 6<sup>th</sup> September 2013, demonstrating 3 parking spaces for existing bungalow under drawing no. E/P/1.

**Additional Condition:**

**No development shall take place until, the parking provision of 3 car parking spaces for the existing dwellinghouse of 2 Sandy Lane, in accordance with drawing no. E/P/1, has been completed and thereafter retained for that purpose and prior to the occupation of the new dwellinghouse, the parking provision of 2 car parking spaces, shall be completed and thereafter retained for that purpose.**

**Reason:** To ensure the continued provision for car parking clear of the highway.  
(Policies 27 and 43 D.S.C.B)

**Additional Informative:**

<b>Item No. 7</b>
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<b>APPLICATION NUMBER</b>	<b>CB/13/02542/FULL</b>
<b>LOCATION</b>	<b>Lombardis Pizza, Red Lion, Deadmans Cross, Shefford, Bedford, SG17 5QQ</b>
<b>PROPOSAL</b>	<b>Change of use of part of the external area to form 2 No. separate car sales yards with an associated office on each site. To reform the access in accordance to new requirements. Associated fencing and resurfacing.</b>
<b>PARISH</b>	<b>Haynes</b>
<b>WARD</b>	<b>Houghton Conquest &amp; Haynes</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Barker</b>
<b>CASE OFFICER</b>	<b>Lauren Westley</b>
<b>DATE REGISTERED</b>	<b>08 August 2013</b>
<b>EXPIRY DATE</b>	<b>03 October 2013</b>
<b>APPLICANT</b>	<b>Mr Singh</b>
<b>AGENT</b>	<b>SIMIC ASSOCIATES</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called into Committee by Councillor Barker on the grounds of overdevelopment, highways and detrimental impact to the countryside.</b>
<b>RECOMMENDED DECISION</b>	<b>Approval</b>

**Summary of Recommendation:**

The use 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. It is therefore in accordance with the aims of the National Planning Policy Framework (2012), policies CS11, CS14, DM3 and DM4 of the Core Strategy and Development Management Policies (20

**Recommendation**

That Planning Permission be GRANTED subject to the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 Within two months of the date of this permission, details of the external lighting of the site including locations, design, heights and level of luminance are to be submitted in writing to the Local Planning Authority. If a lighting scheme is installed, it shall accord with the approved details and retained for the duration of the development.**

**Reason: To protect the amenity of neighbouring properties and the rural character of the local area, in accordance with policy DM3 of the Core Strategy and Development Management Policy (2009).**

- 2 **Within one month of the date of this permission, details of surfacing materials and surface water drainage for the site, shall be submitted to the Local Planning Authority. Within two months of the details being approved, the approved surfacing materials and drainage works shall be constructed and implemented on site and thereafter retained for the duration of the development.**

**Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises.**

- 3 **Within two months of the date of this permission, and notwithstanding the details shown on the approved plans, details of the modified junction of the vehicular access with the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved modified junction shall then be constructed on site within two months of the details being approved.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises and to mitigate oversail from delivery vehicles to the site, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).**

- 4 **Within one month of the date of this permission, details of visibility splays to be provided at the junction of the access with the public highway shall be submitted to the Local Planning Authority. The minimum dimensions of the required vision splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 120.0m measured from the centre line of the proposed access along the line of the channel of the public highway. The approved vision splays shall be implemented on site within one month of the approval of the details and remain free of any obstruction for the duration of the development.  
**Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).****

- 5 **No deliveries of cars shall be taken at or dispatched from the site outside the hours of 08.00 and 18.00 on Mondays to Saturdays, and not at all on Sundays and Bank Holidays.**

**Reason: To safeguard the amenities of neighbouring properties, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).**

- 6 **The landscaping scheme shown on plan 10536:02E shall be carried out no later than the end of the full planting season immediately following the date of this decision.**



Thereafter the planting shall be adequately maintained for a period of five years from the date of planting. Any of the trees or shrubs or both which die or are removed, or which become severely damaged or seriously diseased (during the said period of five years) shall be replaced with trees or shrubs or both, as the case may be, of similar size and species to those originally required to be planted and the same shall be maintained until properly established.

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

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 10536:02E, 10536:03B and TSP/MRS/01.

Reason: For the avoidance of doubt.

- 8 The kerb build out adjacent to parking bay 1, and the area between the rear of bays 1 and 2 and the highway way boundary, shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining carriage way level.

Reason: To provide driver/ driver intervisibility between vehicles using the bays and the access and for the avoidance of doubt, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

- 9 Within 1 month of the date of this permission, details of a light goods vehicle parking space for the loading/unloading for the restaurant/letting rooms and fast food takeaway and keep clear signage for this bay, shall be submitted to and approved in writing by the Local Planning Authority, and within one month of that approval, the loading/unloading space shall be located and constructed in accordance with the approved details and the signage installed.

Reason: To provide an adequate loading/unloading bay for the existing restaurant/letting rooms/fast food takeaway, in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).

### Notes to Applicant

1. **Any conditions in bold must be discharged in accordance with the timescales set out. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.**
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 9BA 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.

The applicant is advised that, under the provisions of the Highways Act 1980, no part of the boundary structure, including fencing and foundations, shall be erected or installed in, under or overhanging the public highway and no door or gate shall be fixed so as to open outwards into the highway.

The Highway Authority has the power under Section 143 of the Highways Act 1980, to remove any structure erection on a highway.

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 advised that photographs of the existing highway that is to be used for access and the delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highways Authority at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
5. The applicant is advised that in order to achieve vision splays it may be necessary for vegetation overhanging the public highway to be removed. Prior to the commencement of work the applicant is advised to contact Central Bedfordshire Council's Customer Contact Centre on 0300 300 8308 to request the removal of the overhanging vegetation on the public highway.

**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.

- (1) In advance of the consideration of the application the Committee were advised of additional comments for Haynes Parish Council, objecting to the proposal, additional neighbour and Highway comments. In addition the Committee were advised of a revision to Condition 2 and 2 extra conditions.

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

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<b>Item No. 9</b>
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<b>APPLICATION NUMBER</b>	<b>CB/13/02102/FULL</b>
<b>LOCATION</b>	<b>81 Amphill Road, Maulden, Bedford, MK45 2DH</b>
<b>PROPOSAL</b>	<b>Minor demolition of existing stairway and access. Alterations and extensions to provide a new single storey (A1 Use) shop.</b>
<b>PARISH</b>	<b>Maulden</b>
<b>WARD</b>	<b>Amphill</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Duckett, Blair &amp; Smith</b>
<b>CASE OFFICER</b>	<b>Sarah Fortune</b>
<b>DATE REGISTERED</b>	<b>13 June 2013</b>
<b>EXPIRY DATE</b>	<b>08 August 2013</b>
<b>APPLICANT</b>	<b>Mr Malkiat Khinda</b>
<b>AGENT</b>	<b>Wentworth Building Design</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in to Committee by Councillor Paul Duckett on grounds of overdevelopment of the site.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

### Summary of recommendation

There are no objections in principle to the erection of a small shop unit in this central location within the village in accordance with policies CS11, CS12 and DM8 in the Core Strategy and Development Management Planning Document dated 2009 and policies 13 and 43 in the emerging Development Strategy for Central Bedfordshire dated 2013 which seek to encourage proposals for retail uses in villages to support a rural economy as long as various criteria are satisfied. In this case, the highways officer is not raising any objections and there will not be significant impact on the amenities of neighbours by way of the use of these small, new premises as a retail unit.

### Recommendation

That Planning Permission be granted.

### 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 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 3 A scheme shall be submitted for written approval by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the building hereby permitted is commenced

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

- 4 Before the use commences equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the commercial food use continues. Full details of the method of odour abatements and all odour abatement equipment to be used, including predicted noise levels of the equipment in operation, shall be submitted to and approved by the Local Planning Authority.

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

- 5 The kitchen ventilation system approved in accordance with condition 4 above, together with any other external plant, machinery and equipment installed or operated in connection with this permission, shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling. The applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.

Reason: To protect neighbouring residents from any adverse impact from noise arising from the kitchen extract ventilation system or other external plant on the premises.

- 6 The premises shall not be open to the public except between 07.00 hours and 17.30 hours Monday - Saturday and at no time on Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

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

- 7 Deliveries by commercial vehicles shall only be made to and from the site between 08.00 hours and 17.30 hours Monday-Friday, 08.00 hours and 17.30 hours on Saturdays, and at no time on Sundays, Bank or Public Holidays without the prior agreement in writing of the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of the neighbouring residential properties.

- 8 The extension hereby permitted shall not be occupied or used any time other than for an A1 (retail) use.

Reason: To safeguard the amenity of occupiers of the neighbouring residential properties, for the avoidance of doubt and to define the permission hereby granted.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PL100, PI101, PL102, PL103, PI104, PL105/A, PL106/A, PI107, PL108, PI109/A, PL106/A/B.

Reason: For the avoidance of doubt.

- 10 Before the development commences details of the brick screen wall, frontage gate and the paved area behind these shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented prior to the commencement of the use of the retail unit hereby permitted.

Reason: To safeguard the safety of pedestrians to the retail unit, flats and hairdressers.

### Notes to Applicant

#### **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 the consideration of the application the Committee were advised of a revised layout plan and accompanying letter. The Highway Officer did not raise any further objections to the application.

In addition the Committee were advised of additional and amended conditions.

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



<b>Item No. 6</b>
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<b>APPLICATION NUMBER</b>	<b>CB/13/02017/FULL</b>
<b>LOCATION</b>	<b>Unit A &amp; R, Stratton Business Park, London Road, Biggleswade, SG18 8QR</b>
<b>PROPOSAL</b>	<b>Demolition of existing units, erection of retail unit (Class A1) alterations to access and servicing arrangement and associated landscaping works.</b>
<b>PARISH</b>	<b>Biggleswade</b>
<b>WARD</b>	<b>Biggleswade South</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Lawrence &amp; Woodward</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>21 June 2013</b>
<b>EXPIRY DATE</b>	<b>20 September 2013</b>
<b>APPLICANT</b>	<b>LXB RP (Biggleswade 3) Ltd</b>
<b>AGENT</b>	<b>WYG Planning &amp; Environment</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>The approval of this application would represent a departure from the Development Plan.</b>
	<b>That planning permission should be granted subject to conditions and a s106 agreement.</b>

**Recommendation:**

That Planning Permission be granted subject to the following conditions and a 106 agreement reflecting the terms set out above:

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

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

- 2 **No development shall commence until details of all hard surfacing for the car parking areas and service areas have been submitted to and agreed in writing by the Local Planning Authority. The hard surfacing shall be implemented solely in accordance with the approved details.**

Reason: To ensure a that the areas are finished to the satisfaction of the Local Planning Authority and in accordance with Policy DM3 of the Core Strategy and Development Management Policy (2009).

- 3 Within three months of the implementation of the development hereby permitted, details of pedestrian crossing arrangements on London Road together with a timetable for their completion shall be submitted to and agreed in writing by the Local Planning Authority. The pedestrian crossing arrangements shall be wholly completed in accordance with the approved details in accordance with the approved timetable.

Reason: In the interests of pedestrian and highway safety and in accordance with Policy DM3 of the Core Strategy and Development Management Policy (2009).

- 4 i) **The development shall not be occupied before a site wide travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include details of:**
- **Initiatives of joint working with local employers and shared travel plan activities across London Road Retail Park and Plot ‘S’;**
  - **Predicted travel journeys to and from the site and targets to reduce journeys;**
  - **transport links, to include pedestrian and cycling links and details of public transport to and from the site;**
  - **A timetable to implement the identified measures to minimise private car use and incentives to encourage walking, cycling and to promote travel choice;**
  - **The mechanism for monitoring and review annually for a period of five years from the date that the travel plan detailed within this condition has been approved in writing by the Local Planning Authority;**
  - **Cycle parking;**
  - **The appointment and role of the travel plan co-ordinator;**
  - **Promotion of the approved travel plan to all occupiers of the site.**
- ii) **Before the development is brought in to use, the approved travel plan shall be submitted to the Local Planning Authority for review and approval so that prevailing conditions at that time can be considered and the plan adjusted as necessary at that time.**

**The development, hereby approved, shall only be used in accordance with the approved travel plan and the timetable agreed within to implement measures to minimise private car use and incentives to encourage walking, cycling and to promote travel choice.**

**Reason: In the interests of sustainable travel.**

- 5 **Notwithstanding the submitted details, no development shall commence at the site before revised details of landscaping and a landscape management plan to include details of the proposed irrigation system for the site hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented solely in accordance with the approved details in accordance with the timetable identified within the landscape management plan and agreed by the Local Planning Authority.**

**Reason: In the interests of the character and appearance of the area and to mitigate against the removal of TPO trees in accordance with Policies DM3 and DM14 of the Core Strategy and Development Management Policies (2009).**

- 6 **No development shall commence until details (including samples) of materials for the development hereby permitted have been submitted to and approved in writing. The development shall be constructed solely in accordance with the approved details.**

**Reason: To protect the character and appearance of the area and to ensure a high quality development in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).**

- 7 **No development shall commence until a scheme for storage and collection of refuse has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and maintained thereafter in accordance with the approved details.**

**Reason: To ensure no open storage of rubbish on the site and to protect the character and appearance of the surrounding area in accordance with Policy DM3 of the Core Strategy and Development Management Policies (2009).**

- 8 **The development hereby approved shall be used for A1 (retail) but shall not be used for the sale of food, as a post office, for the sale of tickets, as a travel agency, for hairdressing, for the direction of funerals, for the reception of goods to be washed, cleaned or repaired, as an internet café where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet or as a pharmacy.**

**Reason: To define this permission and to ensure that the Local Planning Authority retain planning control over the retail functions of the site.**

- 9 The development hereby permitted shall not be sub-divided to provide a unit of less than 500 sqm (5,382 sq ft) without the express written consent of the Local Planning Authority.

Reason: To ensure the vitality and vibrancy of the existing Town Centre, for the avoidance of doubt, and in accordance with the intentions contained within the National Planning Policy Framework (2012).

- 10 **No development shall commence at the site until a Service Yards Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of processes designed to deliver the efficient operation of the service yards, a schedule of delivery vehicles and delivery times, management and operational measures designed to decrease noise levels within the yards and monitoring methods. The service yards shall thereafter be operated as approved.**

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

- 11 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [8659 C P22 A, 8659 C P23 A, 8659 C E08 B, 8659 C P25 B, 8659 C P26 B, 8659 C P50 A, Planning and Retail Statement, Strutt and Parker note, Flood Risk and Drainage Assessment, Design and Access Statement and Technical Note by Vectos].

Reason: For the avoidance of doubt.

- 12 **No development shall commence at the site before a detailed surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:**

- 1. Details of all elements (i.e. modelling reference labels, designs, diameters, gradients, dimensions, and so on of all pipes, inspection chambers, and flow control device(s)) of the proposed drainage systems should be provided as part of the detailed surface water drainage scheme.**
- 2. Overland flood flow routes and subsequent flood risk in the event of surface water system failure. It is essential the flood flow is routed away from vulnerable areas and property, and that the development remains “safe”.**
- 3. Clear details of the ownership and responsibility of maintenance of all drainage including pipe networks, control structures and SuDS elements for the lifetime of the development**

**4. Details of adoption of any drainage elements of the drainage system including any correspondence or agreements with Anglian Water regarding accepted discharge to their drainage system or watercourse.**

**Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.**

- 13 **No development shall commence at the site before a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:**
- 1. A Preliminary Risk Assessment (PRA) which has identified: - all previous uses - potential contaminants associated with those uses - a Conceptual Site Model (CSM) 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 the 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.**

**Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3:2012).**

- 14 **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: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3:2012).

- 15 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3:2012).

- 16 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3:2012).

- 17 Piling or any other foundation designs and investigation boreholes 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.

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3:2012).

- 18 **No development shall commence at the site before the following has been submitted to and approved in writing by the Local Planning Authority:**
- a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.**

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

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

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

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

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

**Reason: To protect human health and the environment**

- 19 **No development shall commence at the site before details that demonstrate how at least 10% of the energy demand of the development would be met through zero or low carbon sources (renewable technologies) 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 development would meet the objectives of Policy DM1 (Renewable Energy) of the Central Bedfordshire Core Strategy and Development Management Policies (2009).**

- 20 **Notwithstanding the submitted details, no development shall commence at the site before revised details of the proposed wall on the Western boundary of the site including its design and foundations 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 and the impacts on existing and proposed trees would be acceptable and in accordance with Policy DM3 (High Quality Development) of the Central Bedfordshire Core Strategy and Development Management Policies (2009).**

- 21 **The development shall not be occupied before all access and junction arrangement and off-site highway improvements serving the development have been 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 and highway arrangements appropriate to the development, in the interest of public safety and convenience.**

- 22 **No development shall commence at the site before details of the phasing of all the highway works has been submitted to and approved in writing by the Local Planning Authority. The approved phasing schedule shall be implemented to the satisfaction of the highway authority.**

**Reason: In order to ensure that the approved development takes place in a comprehensive manner having regard to the highway safety and capacity.**

- 23 Before first occupation or use of the development the customer and staff parking areas and service yard as shown on the approved plan shall be provided and maintained thereafter for that use.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

- 24 **No development shall commence at the site before details of wheel cleaning facilities to be provided on site during site preparation and construction have been submitted to, and approved in writing by, the local planning authority. As approved these shall be installed before any development commences and shall be retained in working order during the whole of the site preparation and construction period. All vehicles leaving the site shall use the facilities.**

**Reason: In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interests of highway safety and visual amenity.**

- 25 **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.**

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



**Notes to Applicant:**1. Site Investigation

Land contamination investigations should be carried out in accordance with BS 5930:1999-2010 'Code of Practice for site investigations' and BS 10175:2011 'Investigation of potentially contaminated sites - Code of Practice' as updated/amended.

Site investigation works should be undertaken by a suitably qualified and experienced professional. Soil and water analysis should be fully MCERTS accredited. Any further site investigation, demolition, remediation or construction works on site must not create new pollutant pathways or pollutant linkages in to the underlying principal aquifer to avoid generating new contaminated land liabilities for the developer. Clean drilling techniques may be required where boreholes, piles etc penetrate through contaminated ground.

2. 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.

3. Sustainable Drainage Systems (SuDS)

Soakaways and other infiltration SuDS must not be constructed in contaminated ground. The use of infiltration drainage would only be acceptable if a phased site investigation showed the presence of no significant contamination. The use of non infiltration SuDS may be acceptable subject to our agreement. We would need to be consulted on the results of the site investigation and on any protection measures. 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. 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.

4. Borehole Drilling and Piling

Developers should ensure that any proposed piling methods do not pose a pollution risk to controlled waters. Piling to facilitate building foundations or the installation of ground source heat pumps has the potential to create a pathway between contaminated shallow soils and deeper geological formations and aquifers. Deep piling can also result in physical disturbance of aquifers.

If piling is proposed, a Piling Risk Assessment will be required to demonstrate that the chosen piling method does not increase the risk of near-surface pollutants migrating into deeper geological formations and aquifers. A Hydrogeological Risk Assessment of physical disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided. Submission of a Piling Risk Assessment with the planning application may negate the requirement for a piling related planning condition.

We recommend that developers follow the risk management framework provided in our guidance for „Piling into Contaminated Sites“ and also refer to the document: „Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention“.

5. 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.

**Informatives:**

The applicant is advised that in order to comply 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.

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

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

**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 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.

- (1) In advance of the consideration of the application the Committee were advised of additional updates and representations that had arisen since the agenda was issued. The Committee were advised of additional Conditions and informatives that were detailed in the Late sheet.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation scheme

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<b>Item No. 10</b>
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<b>APPLICATION NUMBER</b>	<b>CB/13/01919/FULL</b>
<b>LOCATION</b>	<b>1A Station Road, Marston Moretaine, Bedford, MK43 0PH</b>
<b>PROPOSAL</b>	<b>Extend existing co-op supermarket into adjacent unit, form new back of house area at the rear, relocate existing entrance to store with a new automatic sliding entrance door, colour variations to the shopfront and new mechanical plant at the rear of the store.</b>
<b>PARISH</b>	<b>Marston Moretaine</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>04 June 2013</b>
<b>EXPIRY DATE</b>	<b>30 July 2013</b>
<b>APPLICANT</b>	<b>The CO-operative Group</b>
<b>AGENT</b>	<b>Wellsfield Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Councillor Bastable called-in the application for the following reasons:</b>
	<ul style="list-style-type: none"> <li>• Issues with inadequate parking facilities</li> <li>• Refrigeration units - the units would be located outside to the rear of the property with the risk of noise and vibration to local residents</li> <li>• A new bakery is proposed giving concerns about odours to neighbouring properties - consideration should have been given to an air filtration system</li> </ul>

**RECOMMENDED DECISION**

**Full Application recommended for approval**

**Recommended reasons for Granting**

The proposed development would not have an adverse impact on the character and appearance of the surrounding area, nor on the residential amenities of the neighbouring properties. Accordingly the proposal is in conformity with Policy DM3 of the Core Strategy and Development Management Policies for Central Bedfordshire (North), the NPPF (2012) and the Central Bedfordshire Design Guide.

**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 Notwithstanding the details shown on drawing no. 1942.09e, no development shall commence until a scheme for protecting the existing residential dwellings from noise from fixed plant machinery and equipment has been submitted to and approved in writing by the local planning authority. Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality or distinguishable characteristics) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building. The use hereby permitted shall not be brought into use until the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: In the interests of residential amenity.

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1942.01a, 1942.09e & 1942.10.

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**

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.

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

<b>Item No. 11</b>
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<b>APPLICATION NUMBER</b>	<b>CB/13/02393/FULL</b>
<b>LOCATION</b>	<b>38 Bedford Road, Sandy, SG19 1EW</b>
<b>PROPOSAL</b>	<b>Single storey rear extension (modification to previously approved under CB/12/03398)</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Aldis, Maudlin &amp; Sheppard</b>
<b>CASE OFFICER</b>	<b>Amy Lack</b>
<b>DATE REGISTERED</b>	<b>19 July 2013</b>
<b>EXPIRY DATE</b>	<b>13 September 2013</b>
<b>APPLICANT</b>	<b>Torst Ventures Ltd</b>
<b>AGENT</b>	<b>Robert Trigg</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Aldis - There are concerns that the extension which has already been rebuilt once still does not comply with the approved plans, the roof line is not symmetrical and is an inappropriate form of development and the side wall next to 40 Bedford Road is too high leading to a severe loss of light to a main living room and a tunnelling effect.</b>

<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>
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**Recommendation**

That Planning Permission be approved subject to the following:

**RECOMMENDED CONDITIONS / REASONS**

- 1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the west elevation of the extension hereby approved.

Reason: To protect the amenity of neighbouring residents (Policy DM3 of the Core Strategy and Development Management Policies 2009).

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [12/BR/04/G; 12/BR/01; 12/BR/02].

Reason: For the avoidance of doubt.

**Notes to Applicant**

**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 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.

- (1) In advance of the consideration of the application the Committee were advised of additional consultation received from Sandy Town Council setting out further objections to the proposal and neighbour representations.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation scheme.



<b>Item No. 12</b>
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<b>APPLICATION NUMBER</b>	<b>CB/13/02037/VOC</b>
<b>LOCATION</b>	<b>Double Arches Quarry, Eastern Way, Heath And Reach, Leighton Buzzard, LU7 9LF</b>
<b>PROPOSAL</b>	<b>Removal of Condition 11 of planning permission CB/10/03034 - The wind turbine shall not emit greater than expected amplitude modulation the level of broadband noise emitted by a turbine at blade passing frequency.</b>
<b>PARISH</b>	<b>Heath &amp; Reach</b>
<b>WARD</b>	<b>Heath &amp; Reach</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Versallion</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>13 June 2013</b>
<b>EXPIRY DATE</b>	<b>12 September 2013</b>
<b>APPLICANT</b>	<b>Arnold White Estates</b>
<b>AGENT</b>	<b>Engena Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from the Development Plan</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition – Recommended for Approval</b>

**Recommendation**

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

**RECOMMENDED CONDITIONS**

- 1 The development shall begin not later than five 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 maximum height of the turbine hereby permitted, when measured from the turbine base to the blade tip in the vertical position, shall be no greater than 149 metres.

Reason: For the avoidance of doubt and in the interest of visual amenity. (Policies BE8 S.B.L.P.R & 43 DSCB)

- 3 **No development shall take place until full details of the turbine, including make,model, design, power rating, sound power levels and tonal assessment have been submitted to and approved in writing by the Local Planning Authority.**  
**Reason: To ensure that the turbine is in accordance with the details submitted in the Environmental Statement and protect the amenities of the neighbouring residential properties.**  
**(Policies BE8 S.B.L.P.R and 43 DSCB)**
- 4 **No development shall take place until details of the external appearance and colour finishes of the turbine and details of the design, including samples of the external materials and the associated infrastructure hereby permitted have been submitted to and approved in writing by the Local Planning Authority.**  
**Development shall be carried out in accordance with the approved details and retained as such thereafter.**  
**Reason: To protect the visual amenities of the area.**  
**(Policies BE8 S.B.L.P.R & 43 DSCB)**
- 5 **No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The CMS shall identify:**  
**i) Areas on site designated for the storage of heavy duty plant and equipment, including vehicles, and car parking facilities for construction site operatives and visitors;**  
**ii) Activities like earth moving, aggregate mixing, crushing, screening, and piling and on-site storage and transportation of raw material;**  
**iii) Working practices to control emissions of dust and mud arising from on-site activities, including details of wheel-wash facilities;**  
**iv) Working practices for protecting nearby dwellings, including measures to control noise and vibration arising from on-site activities as set out in British Standard 5228:2009 Noise and Vibration Control on Construction and Open Sites;**  
**v) Details of bunded facilities for any storage of oils, fuels or chemicals;**  
**vi) Details of the temporary construction compound; and vii) A programme for the construction works.**  
  
**Reason: To protect the amenities of the neighbouring residential properties and highway safety.**  
**(Policies BE8 S.B.L.P.R & 27 & 43 DSCB)**
- 6 **The temporary construction compound shall be removed no later than three months from the date of commissioning of the turbine and the ground restored to its previous condition within six months of such removal, unless otherwise agreed in writing by the Local Planning Authority.**  
**Reason: To protect the character and appearance of the surrounding area and to ensure that the compound is removed within an acceptable timeframe as the structure is temporary.**  
**(Policies BE8 S.B.L.P.R & 43 DSCB)**
- 7 **No development shall take place until a traffic management scheme for**

**the implementation of the permission has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include arrangements for exceptional loads and appropriate temporary signage and shall be implemented in accordance with the approved details.**

**Reason: In the interests of highway safety.  
(Policies BE8 S.B.L.P.R & 27 & 43 DSCB)**

- 8 **No development shall take place until a scheme of foul drainage for the constructional and operational phases of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure appropriate drainage.  
(Policies BE8 S.B.L.P.R & 43 DSCB)**

- 9 The development shall not be brought into use until a scheme of ecological mitigation 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. The scheme shall include:

- i) Details of the management programme controlling the habitats and vegetation in the immediate vicinity of the turbine;
- ii) The position of 20 Schwegler 1FF bat boxes to be agreed in consultation with the Bedfordshire Bat Group;
- iii) A scheme of post-implementation monitoring to be agreed with Natural England.

This scheme shall include techniques such as Anabat recording at turbine height, bat transects on site and corpse searches, as well as monitoring bird strike mortality.

**Reason: To ensure that biodiversity interests are protected.  
(Policies BE8 S.B.L.P.R and 43 & 57 DSCB)**

- 10 The rating level of noise immissions from the wind turbine, (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed 35dB LA90 at any dwelling except those identified in the table below for any relevant 10m height 10 minute mean above ground level measured integer wind speed between 1-10m/s. In the case of the six dwellings identified in the tables attached to this condition, the rating level of noise immissions from the wind turbine, (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed the decibel value identified for the relevant integer 10m measured wind speed set out in the tables and:

A. Prior to the First Export Date the wind farm operator shall submit to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition.

Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

B. Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to.

Within 14 days of receipt of the written request of the Local Planning Authority made

under this paragraph (B), the wind farm operator shall provide the information logged in accordance with paragraph (G) to the Local Planning Authority in the format set out in Guidance Note 1(e).

C. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limit of this condition shall be undertaken at the measurement location approved in writing by the Local Planning Authority.

D. Prior to the submission of the independent consultant's assessment of the rating level of noise immissions in accordance with paragraph (E), the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the following:

- i. the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions; and
- ii. a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component

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

E. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

F. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to paragraph 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (E) above unless the time limit has been extended in writing by the Local Planning Authority.

G. The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at the wind turbine all in accordance with Guidance Note 1(d). 10m height wind speeds averaged over 10 minute periods shall be measured at a location approved by the local planning authority for comparison with noise levels, for the duration of the noise level compliance check survey. Rainfall shall also be measured during any measurement regime at a location approved by the local authority in writing.

These data obtained shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

H. Once the Local Planning Authority has received the independent consultant’s noise assessment required by this condition, including all noise measurements and audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limit, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall within 14 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed with the Local Planning Authority. For the purposes of this condition, a “dwelling” is a building which is lawfully used as a dwelling house and which exists or had planning permission at the date of this consent.

Table 1 - Between 07:00 and 23:00 - Noise level dB LA90, 10-minute

Location	Measured wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
The dwellings identified as H14-H19, Overend Green as specified in the Double Arches Wind Turbine Environmental Statement Volume 1: Main text July 2010 paragraph 7.3.3  National Grid Ref H14-H17 = 493263 228805 H18 = 493357 228735 H19 = 493365 228682	35	35	37	39	41	43	45	47	49	51	53	55

Table 2 - Between 23:00 and 07:00 - Noise level dB LA90, 10-minute

Location	Measured wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12

<p>The dwellings identified as H14-H19, Overend Green as specified in the Double Arches Wind Turbine Environmental Statement Volume 1: Main text July 2010 paragraph 7.3.3</p> <p>National Grid Ref                      H14-H17 = 493263 228805                      H18 = 493357 228735                      H19 = 493365 228682</p>	43	43	43	43	43	43	44	45	47	49	50	52
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Reason: To ensure that the amenities of neighbouring occupiers are not prejudiced by excessive noise.  
 (Policies BE8 S.B.L.P.R and 43 DSCB)

- 11 Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling which relates to amplitude modulation, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority, to assess whether there is greater than expected amplitude modulation from the wind farm at the complainant’s property. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this condition, the wind farm operator shall provide the information logged in accordance with this condition to the Local Planning Authority in the format set out in Guidance Note 1(e).
- i) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with this condition, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified. Measurements to assess compliance with the noise limit of condition 2 shall be undertaken at the measurement location or locations approved in writing by the Local Planning Authority.
  - ii) Prior to the submission of the independent consultant’s assessment of the level of amplitude modulation in accordance with the requirements of this condition, the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of the amplitude modulation.
  - iii) The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, or are identified as causing greater than expected amplitude modulation, having regard to the written request of the Local Planning Authority, and such other conditions as the independent consultant considers likely to result in a breach of the noise limits.
- The assessment of the noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning

Authority.

iv) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of greater than expected amplitude modulation within 2 months of the date of the written request of the Local Planning Authority unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes.

The instrumentation

used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the amplitude modulation noise immissions.

v) The wind farm operator shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at the wind turbine all in accordance with Guidance Note 1(d). 10m height wind speeds averaged over 10 minute periods shall be measured at a location approved by the local planning authority for comparison with noise levels, for the duration of the noise level compliance check survey. Rainfall shall also be measured during any measurement regime at a location approved by the local authority in writing.

These data obtained shall be retained for the life of the planning permission. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

vi) Once the Local Planning Authority has received the independent consultant's noise assessment required by this condition, including all noise measurements and audio recordings, where the Local Planning Authority is satisfied of an established breach of condition 2, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall within 14 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed by the Local Planning Authority.

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

(Policies BE8 S.B.L.P.R and 43 DSCB)

- 12 **No development shall commence until a scheme detailing the investigation and alleviation of any potential interference to telecommunication links, caused by the turbine hereby permitted, has been submitted to and approved in writing by the local planning authority through consultation to the appropriate telecommunication providers. The approved mitigation measures shall be carried out prior to the erection of the turbine.**

**Reason: To ensure that the impact of the turbine on telecommunications links is adequately mitigated.**

**(Policies BE8 S.B.L.P.R and 43 DSCB)**

- 13 **The wind turbine hereby approved shall operate in accordance with a shadow flicker mitigation scheme which shall be submitted to and approved by the Local Planning Authority prior to the operation of any wind turbine unless a survey carried out on behalf of the developer in accordance with a methodology approved in advance by the local planning authority confirms that shadow flicker effects would not be experienced within habitable rooms within any dwelling.  
Reason: To ensure shadow flicker is adequately mitigated.  
(Policies BE8 S.B.L.P.R and 43 DSCB)**
- 14 The planning permission is for a period from the date of the installation until the date occurring 25 years after the date of Commissioning of the Development. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.  
Reason: In the interests of visual amenity and landscape protection.  
(Policies BE8 S.B.L.P.R and 43 DSCB)
- 15 Not later than 3 months from the date that the planning permission hereby granted expires, or if the turbine ceases to operate for a continuous period of 6 months then, unless otherwise agreed in writing with the Local Planning Authority, it shall be dismantled and removed from the site and the land reinstated to its former condition.  
Reason: To ensure that the turbine is removed at the end of its operational life and to safeguard the character of the locality.  
(Policies BE8 S.B.L.P.R and 43 DSCB)
- 16 All electrical cabling on site shall be buried underground unless otherwise approved in writing by the Local Planning Authority.  
Reason: For the avoidance of doubt and in the interests of visual amenity.  
(Policies BE8 S.B.L.P.R and 43 DSCB)
- 17 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.  
Reason :To protect and prevent the pollution of controlled waters (particularly the underlying principal aquifer and EU Water Framework Directive drinking water protected area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.
- 18 Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also, include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of



pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying principal aquifer and EU Water Framework Directive drinking water protected area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.

- 19 Piling or any other foundations 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 ground water. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying principal aquifer and EU Water Framework Directive drinking water protected area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.

- 20 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters (particularly the underlying principal aquifer and EU Water Framework Directive drinking water protected area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.

- 21 Prior to the commencement of development a scheme showing full details of the levels of the proposed access road for the site in relation to flood zones, shall be submitted to and approved in writing by the Local Planning Authority. The access road shall thereafter be constructed in accordance with the approved plans.

Reason: To ensure that flood risk from fluvial sources does not increase as a result of the access road construction.  
(Policy 49 DSCB)

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

Reason: In the interests of air safety.  
(Policies 8 S.B.L.P.R and 43 & 44 DSCB)

- 23 No development shall commence until the applicant or developer has secured the implementation of a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.  
Reason: To record and advance understanding of the significance of the heritage asset.  
(Policies 8 S.B.L.P.R and 43 & 45 DSCB)
- 24 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3100.013; Technical Information contained within Environmental Statement dated July 2010 Volumes 1-4 (inclusive) and Transport Assessment dated July 2010.  
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.
3. The granting of this permission does not absolve the applicants from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of Circular 06/2005.
4. **Guidance Notes for Noise Conditions**  
These notes are to be read with and form part of the noise conditions. They further explain the conditions and specify the methods to be deployed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3. References to assessment of rating levels does not apply to the assessment of greater than expected amplitude modulation. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

5. **Note 1 applies to planning condition 10 and Note 1(e) & 1(d) also applies to planning condition 11**
- (d) Values of the LA90,10-minute noise statistic required for condition 10 should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- (e) The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (f) The LA90, 10-minute measurements should be synchronised with measurements of the 10-minute arithmetic average wind speed and with operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (g) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s), arithmetic mean wind direction in degrees from north and rainfall data in each successive 10-minute periods by direct measurement at the meteorological monitoring location approved by the Local Planning Authority. In relation to noise condition 10 it is this procedure, which is determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). The wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle and arithmetic mean power generated during each successive 10-minute period for each wind turbine on the wind farm. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time.
- (h) Data provided to the Local Planning Authority in accordance with paragraphs (E) (F) and (G) of noise condition 10 and as required under noise condition 2 shall be provided in comma separated values in electronic format.
6. **Note 2 applies to planning condition 10**
- (a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).

(b) Valid data points are those measured in the conditions set out in the assessment protocol approved by the Local Planning Authority under paragraph (E) of the noise condition but excluding any periods of rainfall measured at the approved meteorological measurement location provided in accordance with the planning permission on the wind farm site.

(c) Values of the LA90, 10-minute noise measurements and corresponding values of the 10-minute ten metre height wind speed for those data points considered valid in accordance with Note 2 paragraph (b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

**Note 3**

(a) Where in accordance with the approved assessment protocol under paragraph (D) of planning condition 10, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

(b) For each 10-minute interval for which LA90, 10-minute data have been determined as valid in accordance with Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure").

Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from standard procedure shall be reported.

(c) For each of the 2-minute samples the tone level above audibility (L<sub>ta</sub>), shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.

(d) The tone level above audibility (L<sub>ta</sub>) shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within  $\pm 0.5\text{m/s}$  of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.

**Note 4**

(a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 above at each integer wind speed within the range set out in the approved assessment protocol under paragraph (E) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables

attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (C) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rated level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant or the Local Planning Authority requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

- i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise at each integer wind speed within the range set out in the approved assessment protocol under paragraph (E) of the noise condition.
- ii. The wind farm noise at this speed shall then be calculated
- iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise at that integer wind speed.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits of 35dB LA90(10min) for other dwellings existing at the time of this approval then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out then the development fails to comply with the conditions.

7. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
8. The Environmental Statement submitted with this application has been taken into account and the following issues considered in detail:
  - Landscape and Visual Impact
  - Ground conditions, geology and hydrogeology
  - Ecology
  - Noise
  - Shadow Flicker
  - Traffic and Transportation
  - Aviation
  - Electro-magnetic interference
  - Minerals and Waste
  - Architectural and Cultural Heritage

It is considered that given the siting of the proposal within a working quarry and the wider environmental benefits in terms of the amount of energy that would be produced by the turbine and the saving in terms of tonnes of carbon dioxide would amount to a case for very special circumstances. This would outweigh the harm identified to the Green Belt, the surrounding area, and the residential amenities of the neighbouring properties.

**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. The Council acted pro-actively through positive engagement with the applicant during the determination process. 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.

- (1) In advance of the consideration of the application the Committee were advised that and a revised parking plan had been received, demonstrating 3 car parking spaces. In addition the Committee were advised of an amendment to Condition 1.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.

<b>Item No. 8</b>
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<b>APPLICATION NUMBER</b>	<b>CB/13/01850/FULL</b>
<b>LOCATION</b>	<b>18 Chapel Road, Flitwick, Bedford, MK45 1EA</b>
<b>PROPOSAL</b>	<b>Erection of detached 2 bed bungalow with ancillary double garage and new crossover for No18.</b>
<b>PARISH</b>	<b>Flitwick</b>
<b>WARD</b>	<b>Flitwick</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Chapman, Gomm &amp; Turner</b>
<b>CASE OFFICER</b>	<b>Sarah Fortune</b>
<b>DATE REGISTERED</b>	<b>14 June 2013</b>
<b>EXPIRY DATE</b>	<b>09 August 2013</b>
<b>APPLICANT</b>	<b>Mrs J Stevens</b>
<b>AGENT</b>	<b>FOD Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Councillor Fiona Chapman on grounds of overdevelopment of the site and loss of amenity to neighbours.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval</b>

**Recommended reasons for granting**

There are no policy objections to the principle of the erection of a dwelling in this backland position in accordance with policies DM3, DM4 and CS1 in the Core Strategy and Development Management Planning Document dated 2009 and policies 38 and 43 in the emerging Development Strategy for Central Bedfordshire dated 2013. There will be limited impact on the amenities of neighbours and there are no highway objections. The proposal complies with the Core Strategy and Development Management Planning Document dated 2009, the emerging Development Strategy for Central Bedfordshire dated 2013 and the NPPF.

**Recommendation**

That Planning Permission be granted

**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 Full details of both hard and soft landscaping shall be submitted to and

approved in writing by the Local Planning Authority. These details shall include:-

- proposed finished levels or contours;
- materials to be used for any hard surfacing;
- planting plans, including schedule of size, species, positions, density and times of planting;
- cultivation details including operations required to establish new planting;
- details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.

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

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

- 3 The scheme approved in Condition 2 shall be carried out by a date which shall be not later than the end of the full planting season immediately following the completion of the development. Thereafter the planting shall be adequately maintained for a period of five years from the date of planting. Any of the trees or shrubs or both which die or are removed, or which become severely damaged or seriously diseased (during the said period of five years) shall be replaced with trees or shrubs or both, as the case may be, of similar size and species to those originally required to be planted and the same shall be maintained until properly established.

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

- 4 **A scheme shall be submitted for written approval by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme**

**before the use hereby permitted is commenced  
before the building(s) is/are occupied  
in accordance with a timescale agreed in writing with the Local Planning Authority.**

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

- 5 No development shall commence until 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 building(s) and the visual amenities of the locality.



- 6 Before the access is brought into use an area of land across the whole of the site frontage measuring at least 2.4m from and parallel to the nearside edge of the adjacent road carriageway shall be provided and thereafter be kept free of all obstruction to visibility exceeding a height of 1.0m above the adjoining carriageway level.

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

- 7 No development shall commence until details of the junction of the proposed vehicular access with the highway have been approved in writing by the Local Planning Authority and no part of the development hereby permitted shall commence until the junction has been constructed in accordance with the approved details.

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

- 8 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new 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 lines of the anticipated vehicle path. The vision splays so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining carriageway at all times.

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

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC01 and STE/01/P/sk/A/12/C

Reason: For the avoidance of doubt.

- 10 No development shall commence until detailed plans have been submitted to and approved in writing by the Local planning Authority showing existing and proposed site levels, proposed floor levels of the property and existing and proposed cross sections through the site and adjoining land. Only the approved details shall be implemented.

Reason: To safeguard the amenities of neighbours and the visual amenities of the area generally.

### **Informative**

The applicant is advised to require that lorries and vans involved in the construction of the development hereby approved only come to the site during the hours of 09:00 and 17.50 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on Sundays, Banks or Public Holidays.

**Notes to Applicant**

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BA quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN.

**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 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.

In advance of the consideration of the application the Committee were advised of a revised plan indicating boundary treatments, retention of the boundary hedges and two parking spaces to the front of the site. The Highway Officer remains of the view that the proposal is acceptable. An objection from a neighbour. In addition the Committee were advised of a further informative.

<b>Item No. 13</b>
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<b>APPLICATION NUMBER</b>	<b>CB/13/02360/FULL</b>
<b>LOCATION</b>	<b>Land adj to 2 Sandy Lane, Leighton Buzzard, LU7 3BE</b>
<b>PROPOSAL</b>	<b>Demolition of existing garages &amp; construction of a new 2 bed bungalow, together with a new access and parking for No 2 Sandy Lane. (Re-sub of 12/3697Full)</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Buzzard North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Johnstone, Shadbolt &amp; Spurr</b>
<b>CASE OFFICER</b>	<b>Nicola Darcy</b>
<b>DATE REGISTERED</b>	<b>03 July 2013</b>
<b>EXPIRY DATE</b>	<b>28 August 2013</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs M Ciancio</b>
<b>AGENT</b>	<b>Lee Butler MRICS</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Applicant's partner is an employee of the Council</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application – For Approval</b>

**Recommendation**

That Planning Permission be GRANTED subject to the following:

**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 **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed bungalow shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building. (Policies BE8 S.B.L.P.R and Policy 43 D.S.C.B.).**

- 3 No building shall be occupied until the proposed vehicular access has been constructed in accordance with the approved details.

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

(Policies BE8 & T10, S.B.L.P.R and policies 27 & 43, D.S.C.B)

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

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

(Policies BE8 & T10, S.B.L.P.R and policies 27 & 43, D.S.C.B)

- 5 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 minimum distance of 5m into the site, measured from the highway boundary, before the premises are occupied. Arrangement shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of the highway.

(Policies BE8 & T10, S.B.L.P.R and policies 27 & 43, D.S.C.B)

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

**Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.**

**(Policies BE8 & T10, S.B.L.P.R and policies 24 & 43, D.S.C.B)**

- 7 **Before development begins, details of a bin storage/collection point shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be provided prior to the first occupation of the development and shall thereafter be retained for such purpose.**

**Reason: To avoid the long term storage of refuse containers on the highway so as to safeguard the interest of highway safety.**

**(Policy BE8, S.B.L.P.R and policy 43, D.S.C.B)**

- 8 **Prior to development, a Tree Protection Plan shall be submitted to the Local Planning Authority for approval in writing. The Tree Protection Plan shall be based on the requirements of BS 5837 : 2012 "Trees in relation to design, demolition and construction - Recommendations", and BS 5837 : 2005 where this is appropriate. The Tree Protection Plan shall clearly indicate the position and build specification of protective fencing and/or ground protection that shall entirely enclose the existing grass areas within the site that falls within the Root Protection Area of the adjacent highway Oak tree. The fencing and/or ground protection shall be clearly dimensioned from existing fixed points on the site, to enable accurate setting out and checking. Fenced exclusion zones shall exclude all plant, machinery, builders access, vehicle parking, storage materials, installation of underground services and all construction operations. Ground protection shall resist all compaction of the lower ground surfacing, protect the ground from all excavation and underground service incursion and shall act as a load suspension layer. The approved Tree Protection Plan shall then be strictly implemented before all construction operations commence, and shall be maintained in place until the end of all construction works.**

**Reason: To create a construction exclusion zone and/or ground protection zone around the Root Protection Area of the adjacent highway Oak tree by securely enclosing, or adequately covering, the Root Protection Area of this tree in order to avoid root damage and soil compaction being incurred in this area during all construction operations, and to prevent incursion by underground services, thereby maintaining the good health and stability of the Oak tree in the interests of visual amenity.**

**(Policy 59, D.S.C.B.)**

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, alterations or addition of windows to the building hereby permitted shall be carried out without the grant of further specific permission from the Local Planning Authority.**

**Reason: To control the external appearance of the building in the interests of residential amenity.**

**(Policy BE8 S.B.L.P.R. and Policy 43 D.S.C.B.).**

- 10 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 51112 & 17912.**

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

- 11 **No development shall take place until, the parking provision of 3 car parking spaces for the existing dwellinghouse of 2 Sandy Lane, in accordance with drawing no. E/P/1, has been completed and thereafter retained for that purpose and prior to the occupation of the new dwellinghouse, the parking provision of 2 car parking spaces, shall be completed and thereafter retained for that purpose.**

**Reason: To ensure the continued provision for car parking clear of the highway.  
(Policies 27 and 43 D.S.C.B)**

### **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 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 Amphill Road, Bedford MK42 9BA 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.
4. 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, P.O. Box 1395, Bedford, MK42 5AN.
5. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect. (HN xi)
6. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with Central Bedfordshire Council's "Cycle Parking Guidance - August 2006".

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

**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.

**Reasons for Granting**

The proposal would not have a significant impact on the amenity of neighbouring occupiers, visual amenities of the area or impact upon the highway Oak tree and is acceptable in terms of highway safety and therefore is in conformity with Policies BE8, T10 and H2 of the South Bedfordshire Local Plan Review 2004, policies 19, 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.

- (1) In advance of the consideration of the application the Committee were advised that and a revised parking plan had been received, demonstrating car parking spaces. In addition the Committee were advised of an additional condition.

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