

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 9 December 2015

PRESENT

Cllr K C Matthews (Chairman)
Cllr R D Berry (Vice-Chairman)

Cllrs M C Blair
Mrs S Clark
K M Collins
S Dixon
F Firth

Cllrs E Ghent
C C Gomm
K Janes
I Shingler

Apologies for Absence: Cllrs T Nicols
J N Young

Substitutes: Cllrs D Bowater (In place of T Nicols)
B J Spurr (In place of J N Young)

Members in Attendance: Cllrs J Chatterley
I Dalgarno
P Downing
P A Duckett
Mrs D B Gurney
J G Jamieson,

Officers in Attendance:	Miss S Boyd	Senior Planning Officer
	Mrs M Clampitt	Committee Services Officer
	Mrs N Darcy	Senior Planning Officer
	Mr A Emerton	Managing Solicitor Planning, Property, Highways & Transportation
	Miss S Fortune	Planning Officer
	Mr D Hale	Planning Manager South
	Mr D Lamb	Planning Manager East
	Mr A Maciejewski	Definitive Map Officer
	Mr L Manning	Committee Services Officer
	Mrs L Newlands	Principal Planning Officer
	Mr S Robinson	Planning Officer

DM/15/110. **Chairman's Announcements**

The Chairman advised the Councillors and members of the public that the order of business would be varied and considered as follows:

After 10.00am: 12, 10, 6, 8, 7, 9 and 11

After 1.30pm: 15, 13, 14 and 16

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

The Chairman reminded Councillors and members of the public that the meeting would be filmed and available for viewing on the Council's website.

The Chairman advised that a site inspection had been undertaken by most of the Committee in respect of all of the applications on the agenda.

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

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

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

DM/15/111. **Minutes**

RESOLVED

that the Minutes of the meeting of the Development Management Committee held on the 11 November 2015 be confirmed and signed by the Chairman as a correct record.

DM/15/112. **Members' Interests**

(a) **Personal Interests:-**

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr C Gomm	12	Knows speakers, member Westoning Parish Council	Absent
Cllr S Dixon	6	Heavily involved with application, will make a statement then leave	Absent
Cllr F Firth	8	Knows applicant	Present
Cllr F Firth	9	Personal interest	Present
Cllr K Collins	15	Conversations with applicant and objectors	Present
Cllr M Blair	11	Ward councillor	Present

Cllr S Clark	10	East West Rail Consortium Board Member	Present
Cllr K Matthews	10	Knows speaker and present at Parish Council meeting	Present
Cllr K Matthews	6	Knows speaker	Present
Cllr K Matthews	7	Knows speaker	Present
Cllr B Spurr	15	Sat at same table as agent at an awards dinner	Present
Cllr M Blair	12	Knows speaker	Present
Cllr B Spurr	16	Had dealings on the item	Absent

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

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr K C Matthews	1	Knows speaker for parish council	Absent

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

Member	Item	Parish/Town Council	Vote Cast
Cllr K Collins	15	Slip End Parish Council	Did not vote
Cllr F Firth	8	Northhill Parish Council	Did not vote

DM/15/113. **Planning Enforcement cases where formal action has been taken**

RESOLVED

that the monthly update of planning enforcement cases where action has been taken, as identified in the report of the Director of Regeneration and Business, be received.

PRIOR TO CONSIDERATION OF ITEM 12 COUNCILLORS MATTHEWS AND GOMM LEFT THE CHAMBER. CLLR BERRY CHAIRED THE ITEM.

DM/15/114. **Planning Application No. CB/15/03253/FULL**

RESOLVED

that Planning Application No. CB/15/03253/FULL relating to Church of Saint Mary Magdalen, Church Road, Westoning be approved, with an additional condition relating to a parking strategy and Traffic Regulation Order, as set out in the Schedule appended to these minutes.

PRIOR TO CONSIDERATION OF ITEM 10 COUNCILLORS MATTHEWS AND GOMM RETURNED TO THE CHAMBER.

DM/15/115. **Planning Application No. CB/15/02258/FULL**

RESOLVED

that the Planning Application No. CB/15/02258/FULL relating to Land off Marston Road, Lidlington, Bedford MK43 0UQ be deferred for up to two cycles to allow for further discussion.

DM/15/116. **Planning Application No. CB/15/02419/FULL**

RESOLVED

that Planning Application No. CB/15/02419/FULL relating to Land North of Flexmore Way, Station Road, Langford be deferred for one cycle to seek clarification on housing land supply issues.

DM/15/117. **Planning Application No. CB/15/03751/VOC**

RESOLVED

that Planning Application No. CB/15/03751/VOC relating to Riveroaks, Stanford Lane, Clifton be delegated to the Development Infrastructure Group Manager to refuse the application for the reasons set out in the Schedule appended to these Minutes.

DM/15/118. **Planning Application No. CB/15/03182/FULL**

RESOLVED

that Planning Application No. CB/15/03182/FULL relating to Former Pig Unit, Hitchin Road, Stotfold, Hitchin SG5 4JG be approved as set out in the Schedule appended to these Minutes.

DM/15/119. **Planning Application No. CB/15/03767/FULL**

RESOLVED

that Planning Application No. CB/15/03767/FULL relating to Westbury, Deepdale, Potton, Sandy SG19 2NH be refused for the reasons as set out in the Schedule appended to these Minutes.

THE COMMITTEE ADJOURNED AT 1.15PM AND RECONVENED AT 1.45PM

DM/15/120. **Planning Application No. CB/15/03296/OUT**

RESOLVED

that Planning Application No. CB/15/03296/OUT relating to High Gables Farm, Clophill Road, Maulden be refused for the reasons set out in the Schedule appended to these Minutes.

DM/15/121. **Planning Application No. CB/15/03779/FULL**

RESOLVED

that Planning Application No. CB/15/03779/FULL relating to Land rear of 30 – 32 Markyate Road, Slip End, Luton LU1 4BX be refused for the reasons as set out in the Schedule appended to these Minutes.

DM/15/122. **Planning Application No. CB/15/03807/FULL**

RESOLVED

that Planning Application No. CB/15/03807/FULL relating to Hadrian Academy, Hadrian Avenue, Dunstable be approved as set out in the Schedule appended to these Minutes.

DM/15/123. **Planning Application No. CB/15/03920/FULL**

RESOLVED

that Planning Application No. CB/15/03920/FULL relating to Hadrian Academy, Hadrian Avenue, Dunstable be approved as set out in the Schedule appended to these Minutes.

DM/15/124. **Determination of an application to add a claimed bridleway through the Crown Hotel and yard, Biggleswade**

The Committee considered the report which proposed that a Definitive Map modification order be made to add a public footpath to the Definitive Map and Statement through the Crown Hotel and its rear yard between High Street and Church Street, Biggleswade. The Committee was also asked to consider enforcement action be taken to remove security fencing that obstructed the bridleway to enable free use of the bridleway ahead of a legal order being made.

The Committee determined at the meeting held on 24 June 2015 that the evidence should be considered by Counsel and the item deferred until this was received. Counsel's opinion has now been received as follows:

"It is my view that the evidence submitted in connection with the Application, considered together with the results of enquiries / investigations undertaken by Council officers, is such as to trigger the statutory obligation imposed by section 53(2) and section 53(3)(c)(i) of the 1981 Act. Specifically, I consider that the evidence demonstrates that a right of way which is not shown on the Definitive Map is reasonably alleged to subsist over the Crown Hotel yard, and that as such the Council is obliged to make a Modification Order in respect of the Definitive Map to provide its amendment. I consider that right of way in question is a footpath."

The Senior Definitive Map Officer confirmed that the subsistence of a bridleway could not be reasonably alleged and would therefore not be part of the Order.

The Committee were satisfied with the Counsel's Opinion and agreed to follow his recommendation.

RESOLVED

1. that the making of a definitive map modification order under Section 53(2) of the Wildlife and Countryside Act 1981 consequent upon the discovery of evidence that shows that it is reasonable to allege under Section 53(3)(c)(i) of the 1981 Act that a public right of way on foot subsists through the curtilage of the Crown Hotel, Biggleswade between points A – B on the map at Appendix A, be approved.
2. that the taking of unilateral action by the Council under Sections 143 and 137 of the Highways Act 1980, if necessary, to open up the route through the curtilage of the Crown Hotel in accordance with the Council's published Enforcement Policy for public rights of way with reasonable costs being recovered from the owners, JD Wetherspoon.

DM/15/125. **Site Inspection Appointment(s)**

RESOLVED

that all members of the Committee be invited to conduct site inspections on Monday 4 January 2016.

DM/15/126. **Late Sheet**

In advance of consideration of the above 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 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.

(Note: The meeting commenced at 10.00 a.m. and concluded at 3.08 p.m.)

Chairman

Dated

Item No. 12

APPLICATION NUMBER	CB/15/03253/FULL
LOCATION	Church Of Saint Mary Magdalen, Church Road, Westoning
PROPOSAL	Erection of single storey building for Parish Room with support facilities and associated landscaping in the church yard.
PARISH	Westoning
WARD	Westoning, Flitton & Greenfield
WARD COUNCILLORS	Cllr Jamieson
CASE OFFICER	Sarah Fortune
DATE REGISTERED	15 September 2015
EXPIRY DATE	10 November 2015
APPLICANT	Mr P Little
AGENT	Nigel Burgess Associates
REASON FOR COMMITTEE TO DETERMINE	Called in by Councillor Jamieson due to parking concerns
RECOMMENDED DECISION	Full Application - Approval

Recommendation:

That Planning Permission be granted subject to the following:

RECOMMENDED CONDITIONS / REASONS

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

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

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1177/sk10, 1177/sk110, 1177/sk/100, 1177/sk120/B, 1177/sk140, 1177/sk3/B, 1177/sk20/B, 1177/sk21/C, 1177/sk25/A, 1177/sk500/A,

Reason: To identify the approved plan/s and to avoid doubt.

- 3 **Before development/work begins and notwithstanding the details submitted with the application, details of the materials to be used for the external windows, doors, walls, roofs and rainwater goods of the proposed building shall be submitted to and approved in writing by the Local Planning Authority. The development/work shall be carried out only in accordance with the approved details.**

Reason: To ensure that the development/work is in keeping with the existing building. (Section 12, NPPF)

- 4 **No development shall take place until drawings of all windows and doors to a scale of 1:10 or 1:20, together with a specification of the materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Details provided shall clearly show a section of the glazing bars, frame mouldings, door panels, the position of the door or window frame in relation to the face of the wall, the depth of the reveal and arch and sill details. The development shall be carried out only in accordance with the approved details.**

Reason: To ensure that the proposed development/work is carried out in a manner that safeguards the historic character and appearance of the area.

(Section 12, NPPF)

- 5 **Notwithstanding the approved plans, all new rainwater goods shall be of black painted [cast iron/aluminium] and shall be retained thereafter.**

**Reason: To safeguard the special architectural and historic interest of this statutorily listed building.
(Section 12, NPPF)**

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

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

Where the proposed building encroaches into the root protection area then the fencing should be erected 1.5 metres from the building to allow access/scaffolding but the ground beneath should be protected in line with BS 5837, using geotextile membrane and scaffolding boards this is to avoid compaction of the roots and contamination of soil.

Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or

chemicals, soil or other materials shall take place inside the fenced area.

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

- 7 **Notwithstanding the approved plans, detail of the hard landscaping including samples of the stone edging and the surfacing to the paths and cycle/parking areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted.**

The development shall be implemented solely in accordance with these approved details.

Reason: To safeguard the setting of the Listed Building of special architectural or historic interest in accordance with the provisions of Planning Policy 15: Planning and the Historic Environment 1993.

- 8 **The foundation structure of the building hereby approved shall be of a pad-and-beam or pile-and-beam method of construction. Details shall be submitted to and agreed in writing prior to the commencement of the development to include the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavations on site, insofar as they may affect trees and hedgerows on or adjoining the site.**

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

Reason: To ensure the protection of trees and hedgerows to be retained, and in particular to avoid unnecessary damage to their root systems.

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

- materials to be used for any hard surfacing;
- proposed and existing functional services above and below ground level;
- planting plans, including schedule of size, species, positions, density and times of planting;
- cultivation details including operations required to establish new planting;
- 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.

- 10 The scheme approved in Condition 9 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.

- 11 No development shall take place until a written scheme of archaeological resource management has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.

Reason: This condition is pre-commencement as a failure to secure appropriate archaeological mitigation in advance of development would be contrary to paragraph 14 of the National Planning Policy Framework (NPPF) that requires the recording and advancement of understanding of the significance of any heritage assets to be lost (wholly or in part).

- 12 Before development begins, a scheme for the secure and covered parking of cycles on the site (including internal dimensions of the parking area, cycle stands to be used and access thereto) 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.

- 13 Details of a refuse collection point located at the site frontage and outside of the public highway shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall be fully implemented prior to the development being brought into use and shall be retained thereafter.

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

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

period of construction work, after which any temporary access to the site shall be closed and re-instated.

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

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

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

- 16 The building hereby approved shall only be used between the hours of 9am to 11pm Mondays to Saturdays and 9am to 8pm on Sundays and Bank Holidays unless otherwise prior agreement is given by the Local Planning Authority in writing.

Reason: To safeguard the amenities of neighbouring properties.

- 17 The soil levels within the root spread of the trees/hedgerows to be retained shall not be raised or lowered.

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

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the building hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the external appearance of the building in the interests of the amenities of the area.
(Section 7, NPPF)

- 19 Before the building is first brought into use, a Parking Management Strategy Plan shall be prepared and submitted to and be approved by the Local Planning Authority. The plans shall contain details of:

- a. promotion of sustainable travel to the site for all users of the premises
- b. measures to encourage sustainable travel to and from the premises
- c. identification of available parking spaces in the surrounding area
- d. an action plan detailing the management of car parking during the time of operation
- e. promotion of any necessary Traffic Regulation Order the Highway Authority may require to mitigate against indiscriminate parking and ensure that the flow of through traffic on Church Road can be

maintained.

All measures agreed therein shall be undertaken in accordance with the approved plan.

Reason: In order to avoid inconsiderate parking on the surrounding public highway network and to promote the use of sustainable modes of transport in the interests of highway safety.

INFORMATIVE NOTES TO APPLICANT

1. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.
2. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".
3. To fully discharge condition 14 the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction in accordance with the approved plan, before development commences, and that any temporary access has been closed and re-instated after the construction. The applicant is advised that no works associated with the construction of any temporary 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, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ 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 granting of this planning permission does not absolve the applicants from complying with the relevant law protecting species including obtaining and complying with the terms of conditions of any licences required, as described in Part IV B of Circular 06/2005.
5. To safeguard the existing trees on the site in the interests of visual amenity the development shall be carried out in accordance with the relevant recommendations of BS 5837 (2005) - Trees in relation to construction.

6. Foundations construction method. Either pile and beam or pad and beam, this must occur within the root protection area of these two trees. The important point is that the beam must be above the ground and not excavated below the surface. This will mean that as the ground slopes down in a general southeast aspect then there will be a void under the building.

All service routes (water drains electric etc..) to avoid root protection area to avoid damage to roots. If it is unavoidable then these routes should be hand dug with no root severance. The plans appear to show that the toilets and kitchen are within the root protection area and therefore a solution should need to be found, possibly making use of the under floor void.

Any tree work ie crown raising to allow build and access to be approved by the Arboricultural Officer prior to work being carried out.

7. The applicant should be reminded that a premises licence may be required if events were to include the sale of alcohol and/or regulated entertainment. Whether or not such a licence is required the applicant is also reminded of their responsibilities under the Environmental Protection Act 1990 relating to statutory noise nuisance.
8. The applicant is advised that the provision of bat boxes on retained mature trees would be welcomed in accordance with the NPPF which calls for development to deliver a net gain for biodiversity. Felled timber should be retained on site in piles where possible.
9. This permission relates only to that required under the Town and Country Planning Act and does not include any consent or approval under any other enactment or under Building Regulations. Any other consent or approval which is necessary must be contained from the appropriate authority.
10. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 0300 300 8049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.
11. 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) Order 2015 - Part 5, Article 35

Discussions with the applicant have taken place during the consideration of the application. 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) Order 2015.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation / publicity responses and additional comments from the applicant as detailed in the Late Sheet appended to these Minutes from:
 - a. Letter of support from the Westoning Lower School
 - b. Three letters of support from local residents
 - c. Additional comments from the applicant
 - d. There is an additional informatives at 10 and 11 above.]

Item No. 10

APPLICATION NUMBER	CB/15/02258/FULL
LOCATION	Land off Marston Road, Lidlington, Bedford, MK43 0UQ
PROPOSAL	Residential development of 31 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works.
PARISH	Lidlington
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Morris, Matthews & Mrs Clark
CASE OFFICER	Lisa Newlands
DATE REGISTERED	18 June 2015
EXPIRY DATE	17 September 2015
APPLICANT	BDW Trading Ltd and Henry H. Bletsoe & Son LLP
AGENT	Bidwells
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Clark on the grounds it is outside the settlement envelope and potential impact on East-West rail improvements to the Marston Road crossing. Major development which is a departure from policy.
RECOMMENDED DECISION	Full Application - Approval subject to the completion of S106 obligation.

Deferred Item – See minute no. DC/15/115

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation / publicity responses as detailed in the Late Sheet appended to these minutes from the following:
 - a. Lidlington Parish Council sent additional comments on 30 November 2015
 - b. the Ecologist provided no comment
 - c. SuDs confirmed their previous comments still stood
 - d. The Landscape officer provided comments
 - e. A petition with 41 signatures was received
 - f. Additional comments relating to the S106 agreement, East West Rail and the footpath
 - g. Two additional informatives for the applicant
 - h. Three new conditions and an amendment to condition 15 (renumbered to condition 18) to include a revised drawing.]

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Item No. 6

APPLICATION NUMBER	CB/15/02419/FULL
LOCATION	Land North of Flexmore Way, Station Road, Langford
PROPOSAL	Residential development of 42 dwellings, vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works.
PARISH	Langford
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Samantha Boyd
DATE REGISTERED	07 July 2015
EXPIRY DATE	06 October 2015
APPLICANT	David Wilson Homes (South Midlands)
AGENT	Bidwells
REASON FOR COMMITTEE TO DETERMINE	Major development - contrary to Policy and Parish Council objection
RECOMMENDED DECISION	Full Application - approval recommended

Deferred Item – See Minute No. DC/15/115 refers

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

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Item No. 8

APPLICATION NUMBER	CB/15/03751/VOC
LOCATION	Riveroaks, Stanford Lane, Clifton
PROPOSAL	Removal of condition 5 to planning permission CB/14/04317/FULL: (Change of use and provision of 5 No. pitch travellers site).
PARISH	Southill
WARD	Northill
WARD COUNCILLORS	Cllr Mr Firth
CASE OFFICER	Samantha Boyd
DATE REGISTERED	30 September 2015
EXPIRY DATE	25 November 2015
APPLICANT	Mr & Mrs J Porter
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Cllr Call in: Cllr F Firth Contrary to policy: Permission only granted for this site on the basis of exceptional family need. General use is contrary to development in the open countryside.
RECOMMENDED DECISION	Variation of Condition - approval recommended

That the application be delegated to the Development Infrastructure Group Manager to refuse the application for the following reason:

In the opinion of the Local Planning Authority Condition 5 is critical to the original planning approval and without that family need the proposal is not justified in the open countryside. As such the application is contrary to the NPPF, Planning Policy for Traveller Sites (2015) and Policy DM4 of the Core Strategy and Development Management Policies Document (2009).

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of an additional consultation / publicity response from a Clifton resident objecting to the removal of the condition as detailed in the Late Sheet appended to these Minutes.]

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Item No. 7

APPLICATION NUMBER	CB/15/03182/FULL
LOCATION	Former Pig Unit, Hitchin Road, Stotfold, Hitchin, SG5 4JG
PROPOSAL	Erection of 131 dwellings with access, parking, landscaping, open space and associated works.
PARISH	Fairfield
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Samantha Boyd
DATE REGISTERED	10 September 2015
EXPIRY DATE	10 December 2015
APPLICANT	Lochailort Stotfold Ltd
AGENT	DLP Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	Major Development - contrary to Policy
RECOMMENDED DECISION	Full Application - Approval recommended

Recommendation

That planning permission be granted subject to the following conditions and the completion of a S106 Agreement

RECOMMENDED CONDITIONS

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

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

- 2 **No construction of the development shall commence, notwithstanding the details submitted with the application, until details of all external materials to be used in the construction of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: To control the appearance of the buildings in the interests of the visual amenities of the locality in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

3 No development (other than that required to be carried out as part of an approved scheme of remediation) shall take place until conditions (a) to (c) below have been complied with, unless otherwise agreed in writing by the Local Planning Authority. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (c) has been complied with in relation to that contamination.

(a) **Submission of a Remediation Scheme**

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

(b) **Implementation of Approved Remediation Scheme**

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

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

(c) **Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

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

Reason: Required prior to the commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Core Strategy and Development Management Policies Document (2009).

- 4 **No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 5 **No construction works shall commence until a detailed surface water drainage scheme, based on the agreed Flood Risk Assessment ref 1377 FRA September 2015 has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall include a restriction in run-off rates as outlined in the FRA. The scheme shall be implemented in accordance with the approved details before the development is completed. The development shall be carried out in accordance with the approved details.**

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and previous land uses in line with the National Planning Policy Framework and Environment Agency Groundwater Protection: Principles and Practice (GP3) and in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 6 **Prior to and during demolition and construction works, all tree protection measures and working method procedures shall be carried out in strict accordance with the Haydens Tree Survey Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan (11/11/15 Rev A) and plans 4820-D/2/rev A, 4820-D/1 rev A,**

Reason: To ensure that a satisfactory standard of working practice is implemented that safeguards the trees from damage incurred during development works, so as to ensure the health, safety, amenity and screening value of the retained trees in accordance with policies contained within the Core Strategy and Development Management Policies Document (2009)

- 7 **Prior to the commencement of any construction works of the development hereby approved (which for the avoidance of doubt excludes any demolition works), a landscaping scheme, to include all hard and soft landscaping and boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following completion and/or first use of any building (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season with others of a similar size and species.**

Reason: To ensure an acceptable standard of landscaping in the interests of visual amenity and biodiversity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 8 **Prior to the commencement of any construction works for the development hereby approved (which for the avoidance of doubt excludes any demolition works), a detailed waste collection strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in accordance with the approved details.**

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with Policy WSP5 of the Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014) and Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 9 **Prior to the commencement of any construction works on the site a scheme detailing on-site equipped play provision and details of the arrangements for the future maintenance of the play equipment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any dwelling unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure satisfactory provision for play facilities to serve the development in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 10 **Prior to the commencement of construction work hereby approved (which for the avoidance of doubt excludes any demolition works) details of any external lighting to be installed, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall have been submitted to approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.**

Reason: To protect the visual amenity of the site and in the interests of biodiversity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 11 **No construction work on the buildings hereby approved shall commence before details of how the development will achieve a reduction in carbon emissions of at least 10% more than required by current Building Regulations through the use of on-site or near-site renewable or low carbon technology energy generation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: Required prior to commencement to ensure the development is energy sufficient and sustainable in accordance with Policy DM1 and DM2 of the Core Strategy and Development Management Policies Document (2009).

- 12 No part of the development shall be occupied until a site wide travel plan has been submitted to and approved in writing by the council, such a travel plan to include details of:

- Baseline survey of site occupants in relation to these current/proposed travel patterns;
- Predicted travel to and from the site and targets to reduce car use.
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.
- Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.
- Detailed 'Action Plan' to include specific timetabled measures designed to promote travel choice and who will be responsible
- Plans for monitoring and review, annually for a period of 5 years.
- Details of provision of cycle parking in accordance with Central Bedfordshire Council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome pack to include:
 - a) site specific travel and transport information,
 - b) details of sustainable incentives (e.g. travel vouchers)
 - c) maps showing the location of shops, recreational facilities, employment and educational facilities
 - d) details of relevant pedestrian, cycle and public transport routes to/ from and within the site.

- e) copies of relevant bus and rail timetables together with discount vouchers for public transport and cycle purchase.
- f) details of the appointment of a travel plan co-ordinator.

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

Reason: To promote sustainable modes of travel and to reduce the potential traffic impact of the development on the local highway network in accordance with Policy DM3.

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

Reason: To ensure that the proposed roadworks are constructed to an adequate standard in accordance with Policy DM3.

- 14 **No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs, together with on-site parking and turning of delivery vehicles and wheel wash facilities. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.**

Reason: Details are required prior to work commencing on site in order to minimise danger, obstruction and inconvenience to users of the highway and the site.

- 15 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

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

- 16 Each unit within the apartment block hereby approved shall be occupied only by :
- a) persons aged 55 or older; or
 - b) a widow or widower of such a person or persons, or
 - c) any resident dependant or dependants of such a person or persons, or
 - d) a resident carer of such a person or persons.

Reason: In view of the limited amenity space provided with the apartments and given the need or elderly accommodation in the area and in accordance with the NPPF.

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbered 5793/001, 5793/004, 5793/002C, 5793/007, 5793/008, 5793/003A, 070, 071, 072, 5793/006B, P440/001 rev A, 5793/056, 5793/055, 5793/054, 5793/053, 5793/052, 5793/015/01A, 5793/015/B, 5793/033/B, 5793/033/01A, 5793/032/B, 5793/032/1B, 5793/031/B, 5793/031/1A, 5793/027/A, 5793/027/15793/026/B, 5793/026/1, 5793/025/A, 5793/025/1, 5793/024/A, 5793/024/1, 5793/023/A, 5793/023/1, 5793/022/A, 5793/022/1, 5793/021/A, 5793/021/1, 5793/020/A, 5793/020/1A, 5793/0196, 5793/0196/1, 5793/0195, 5793/0195/1, 5793/0193/1, 5793/0193, 5793/0194, 5793/0194/1, 5793/0192, 5793/0192/1, 5793/016A, 5793/016/1, 5793/017/A, 5793/017/1, 5793/018/A, 5793/018/1A, 5793/019/1, 5793/019/A, 5793/0191, 5793/0191/1, 5793/034, 5793/035/A, 4820-D EXTRACT, P440/SK002A, P440/SK001, P440/SK003, P440/001 rev B.

Flood Risk Assessment ref 1377 FRA September 2015, Capacity Analysis Report September 2015, Tree Survey Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan (11/11/15 Rev A), 4820-D-1/A, 4820-D-2/A, Updated Ground Investigation ref BRD1534-OR3-A, BG_1035_01A rev A, Transport Assessment ref: 406.05741.00003, Heritage Asset Assessment 2014/007 Version 1.0, Phase 1 Desk Study BRD1534-OR1 version B July 2012, Phase 2 Site Investigation BRD1534-OR2 version B September 2012, Preliminary Ecological Appraisal December 2013, Final Ecological Appraisal October 2015,

Reason: To identify the approved plan/s and to avoid doubt.

- 18 No development shall commence until a revised storm water strategy has been submitted and approved by the Local Planning Authority. For the avoidance of doubt the strategy shall require a discharge rate at or below the current demonstrable formalised discharge rate for the site. The development shall be implemented in accordance with the approved details.

Reason: To ensure the development does not pose a risk to flooding in accordance with the NPPF.

INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other

enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the Core Strategy and Development Management Policies Document (2009)
3. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

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

The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Central Bedfordshire Design Guide A guide for designing high quality new developments" and the Department for Transport's "Manual for Streets", or any amendment thereto.

Otherwise the applicant is advised that Central Bedfordshire Council as

highway authority may not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.

The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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) Order 2015.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation / publicity responses and additional comments as detailed in the Late Sheet from the following:
 - a. The education officer provided clarification on the response to the planning application and the lower school pupil forecasts
 - b. The Internal Drainage Board requested a pre commencement condition 18 above
 - c. Revised Landscape Master Plan was submitted, Plan Number P440/001 rev B and condition 17 updated to reflect this.]

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Item No. 9

APPLICATION NUMBER	CB/15/03767/FULL
LOCATION	Westbury, Deepdale, Potton, Sandy, SG19 2NH
PROPOSAL	Erection of a detached dwelling and detached garage on land that currently forms part of the existing curtilage of Westbury.
PARISH	Potton
WARD	Potton
WARD COUNCILLORS	Cllrs Mrs Gurney & Zerny
CASE OFFICER	Samantha Boyd
DATE REGISTERED	05 October 2015
EXPIRY DATE	30 November 2015
APPLICANT	Mrs Crossman
AGENT	Ian Blaney Architects
REASON FOR COMMITTEE TO DETERMINE	Cllr Call in - Cllr Adam Zerny The applicant considers it a contemporary design, which they feel is a subjective matter and they would like the opportunity to address the Committee to ask them to support their proposals. They would also like the Committee to have the opportunity to visit the site.
RECOMMENDED DECISION	Full Application - Refusal recommended

Recommendation

That Planning Permission be REFUSED for the following reasons:

RECOMMENDED CONDITIONS / REASONS

- 1 The proposal is for one new dwelling on land within the open countryside and in an unsustainable location remote from any settlement, where development plan policy and the NPPF seeks to strictly control new development in order to protect the countryside and achieve a sustainable form of development. No material reasons have been put forward to outweigh the non compliance of the proposal with the development plan and government guidance. As such the proposal is contrary to Policy DM3 and DM4 of the Core Strategy and Development Management Policies Document (adopted 2009) and the National Planning Policy Framework (2012).
- 2 The proposed development if permitted would result in an intensification of use of a substandard access which makes no provision for adequate driver/driver intervisibility to the east, the critical side with oncoming traffic, and will lead to conditions of danger and inconvenience to users of the highway and the property. The proposal is therefore unacceptable and contrary to Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

Planning permission is recommended for refusal. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

Item No. 11

APPLICATION NUMBER CB/15/03296/OUT
LOCATION High Gables Farm, Clophill Road, Maulden
PROPOSAL Outline Planning application for permission for single storey residential dwelling for retirement purposes on site of former agricultural building.
PARISH Maulden
WARD Ampthill
WARD COUNCILLORS Cllrs Duckett, Blair & Downing
CASE OFFICER Stuart Robinson
DATE REGISTERED 24 September 2015
EXPIRY DATE 19 November 2015
APPLICANT Mr S & Mrs R Lowe
AGENT Davies & Co
REASON FOR COMMITTEE TO DETERMINE At the request of the Chair of the Committee and Senior Officers

RECOMMENDED DECISION Outline Application - Refused

Recommendation:

That the Development Infrastructure Group Manager be authorised to REFUSE Planning Permission subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 The proposed development, by reason of its location outside any Settlement Envelope, would constitute inappropriate development within the countryside and would be out of character with the pattern of residential development in the locality. As such, the proposed development would be contrary to Policies CS14, DM3 and DM4 of Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document and the National Planning Policy Framework.

INFORMATIVE NOTES TO APPLICANT

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

The Council acted pro-actively through positive engagement with the applicant but fundamental objections could not be overcome. The applicant was invited to withdraw the application but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation / publicity responses and additional comments as detailed in the Late Sheet appended to these minutes from the following:
 - a. The CBC Planning Policy consultation response had been duplicated and should read as detailed in the Late Sheet.
 - b. The text within 'The Application' section with the wording detailed in the Late Sheet.]

Item No. 15

APPLICATION NUMBER	CB/15/03779/FULL
LOCATION	Land rear of 30-32 Markyate Road, Slip End, Luton, LU1 4BX
PROPOSAL	Two new houses with garages
PARISH	Slip End
WARD	Caddington
WARD COUNCILLORS	Cllrs Collins & Stay
CASE OFFICER	Nicola Darcy
DATE REGISTERED	01 October 2015
EXPIRY DATE	26 November 2015
APPLICANT	Burgundy Developments Ltd
AGENT	A. P Whiteley Consultants Ltd
REASON FOR COMMITTEE TO DETERMINE	Called to Committee in the public interest at the discretion of the Development Infrastructure Group Manager
RECOMMENDED DECISION	Full Application - Recommended for refusal

Recommendation

That Planning Permission be REFUSED for the following:

RECOMMENDED REASONS

- 1 The proposed development would because of its siting to the rear of the strong building line appear incongruous and cramped, out of character with the existing uniform grain of development and with adjoining dwellings in the locality. The overall scale and bulk of the proposed dwellinghouses are out of keeping with the existing character of the dwellings and thereby would be harmful to the visual amenities of the street scene and of nearby residents. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework, Policies BE8 & H2 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.
- 2 The proposed development would, because of its size and close proximity with the boundaries of numbers 28 and 34 Markyate Road, appear unduly overbearing and result in an unacceptable impact upon adjoining properties. The proposal is therefore contrary to the principles of good design principles within the National Planning Policy Framework and to Policies BE8 and H2 of the South Bedfordshire Local Plan Review.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

The Council acted pro-actively through early engagement with the applicant at the pre-application stage. This positive advice has been revisited and due to the outcome of applications since that advice was given, the development is now not considered to be acceptable. The requirements of the Framework (paragraphs 186 and 187) have therefore been met in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional comments from the Officer and amended typos to the reasons for refusals as detailed in the Late Sheet as follows:
 - a. Amendment to the wording relating to the pre-application advice from 2014.
 - b. Refusal reason 1 the wording in the second line should read “out of character”
 - c. Refusal reason 2 the Policies in the last sentence should read BE8 and H2.]

Item No. 13

APPLICATION NUMBER	CB/15/03807/FULL
LOCATION	Hadrian Academy, Hadrian Avenue, Dunstable, LU5 4SR
PROPOSAL	Construction of a 130m2 first floor extension above the existing administration block, and internal reconfiguration of the ground floor administration area.
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Chatterley
CASE OFFICER	Nicola Darcy
DATE REGISTERED	07 October 2015
EXPIRY DATE	02 December 2015
APPLICANT	Hadrian Academy
AGENT	PCMS Design
REASON FOR COMMITTEE TO DETERMINE	Application on Council land with objections received that cannot be overcome by condition
RECOMMENDED DECISION	Full Application - Recommended for Approval

Recommendation:

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted 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 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 the existing building in the interests of the visual amenities of the locality.
(Policy BE8 S.B.L.P.R)
- 3 Before the building is first brought into use, the school Travel Plan shall be updated and submitted to and approved by the Local Planning Authority. The plan shall contain details of:

- a. plans for the establishment of a working group involving the School, parents and representatives of the local community;
- b. pupil travel patterns and barriers to sustainable travel;
- c. measures to encourage and promote sustainable travel and transport for journeys to and from school;
- d. an action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review;
- e. measures to manage the car parking on site.

All measures agreed therein shall be undertaken in accordance with the approved plan. There shall be an annual review of the Travel Plan to monitor progress in meeting the targets for reducing car journeys generated by the proposal and this shall be submitted to and approved by the Local Planning Authority.

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

- 4 Prior to the commencement of the construction of the extension hereby approved, the parking scheme shown on Drawing No. 376-101B shall be completed. The scheme shall thereafter be retained for this purpose.

Reason: To ensure the additional proposed parking is implemented in order to minimise on-street parking in Hadrian Avenue.
(Section 4, NPPF)

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 376-101B, 376-102A, 376-103A, 376/104A, 376/105A, 376/106A, 376/107A, 376/108A, 376/109A & 376/110A.

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

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
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 applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

4. The applicant is advised that further information regarding the updating of the School Travel Plan is available from the Transport Strategy Team, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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) Order 2015.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation / publicity responses and additional comments as detailed in the Late Sheet appended to these minutes from the following:

- a. 18 Goldstone Crescent raised concerns regarding a discrepancy regarding allocated staff parking and concerns with the staff numbers relayed differently within the application documents.
- b. Officers provided clarification to points raised by objectors.]

Item No. 14

APPLICATION NUMBER	CB/15/03920/FULL
LOCATION	Hadrian Academy, Hadrian Avenue, Dunstable, LU5 4SR
PROPOSAL	Construction of two new out of school classrooms, new WCs and storage rooms, an extension to the existing dining room and formation of a covered courtyard.
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Chatterley
CASE OFFICER	Nicola Darcy
DATE REGISTERED	14 October 2015
EXPIRY DATE	09 December 2015
APPLICANT	Hadrian Academy
AGENT	PCMS Design
REASON FOR COMMITTEE TO DETERMINE	Application on Council land with objections received that cannot be overcome by condition
RECOMMENDED DECISION	Full Application - Recommended for Approval

Recommendation:

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted 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 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 the existing building in the interests of the visual amenities of the locality.
(Policy BE8 S.B.L.P.R)
- 3 Before the building is first brought into use, the school Travel Plan shall be updated and submitted to and approved by the Local Planning Authority. The plan shall contain details of:

- a. plans for the establishment of a working group involving the School, parents and representatives of the local community;
- b. pupil travel patterns and barriers to sustainable travel;
- c. measures to encourage and promote sustainable travel and transport for journeys to and from school;
- d. an action plan detailing targets and a timetable for implementing appropriate measures and plans for annual monitoring and review;
- e. measures to manage the car parking on site.

All measures agreed therein shall be undertaken in accordance with the approved plan. There shall be an annual review of the Travel Plan to monitor progress in meeting the targets for reducing car journeys generated by the proposal and this shall be submitted to and approved by the Local Planning Authority.

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

- 4 Prior to the commencement of the construction of the extension hereby approved, the parking scheme shown on Drawing No. 376-101B shall be completed. The scheme shall thereafter be retained for this purpose.

Reason: To ensure the additional proposed parking is implemented in order to minimise on-street parking in Hadrian Avenue.
(Section 4, NPPF)

- 5 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 376-101B, 380-101A, 380-102A, 380-103A, 380-104A, 380-105B & 380-106B.

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

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
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 applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

4. The applicant is advised that further information regarding the updating of the School Travel Plan is available from the Transport Strategy Team, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

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) Order 2015.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation / publicity responses detailed within the Late Sheet appended to these minutes from the following:
 - a. 88 Hadrian Avenue objected to the indiscriminate parking
 - b. Drayton Crossroads Farmhouse objected to the indiscriminate parking

- c. 18 Goldstone Crescent raised concerns regarding a discrepancy regarding allocated staff parking spaces within the documents and concerns with staff numbers relayed differently within the documents.
- d. 96 Hadrian Avenue requested that the classrooms not be used outside of 8.00am and 6.00pm and not on weekends.
- e. Clarification was provided for points raised by objectors]

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 9 DECEMBER 2015

Item 6 (Pages 15-42) – CB/15/02419/FULL – Land North of Flexmore Way, Station Road, Langford.

Additional Consultation/Publicity Responses

No further comments.

Additional Comments

No further comments.

Additional/Amended Conditions

No further comments.

Item 7 (Pages 43-64) – CB/15/03182/FULL – Former Pig Unit, Hitchin Road, Stotfold, Hitchin, SG5 4JG.

Additional Consultation/Publicity Responses

Education Officer comments –

Education response to the planning application at the Pig Testing Unit, Fairfield: CB/15/03182/Full

This response is in support of the planning application for 131 dwellings at the former pig testing unit in Fairfield. The application includes a lower school site, and £3 million in education S106 contributions, which would provide lower school places and make the development sustainable from an education perspective.

Lower School Pupil Forecasts

The school organisation forecast is showing the need for additional lower school places from September 2016:

The forecasts were produced in summer 2015 and do not include the expected impact from 131 additional dwellings at the former pig testing unit. The need for additional lower school places in this area is driven by the impact of housing development and steps have been taken to provide additional lower school capacity in light of the demand for places. Fairfield Park lower school was expanded to 2 forms of entry for September 2013, Shefford Lower School also expanded by 1 form

of entry for September 2013 and an additional form of entry has been provided at Roecroft Lower School from September 2015.

Development at the former pig unit will create further demand for places and the sites of all the existing local lower schools cannot accommodate any further expansion. Providing a new lower school as part of the Pig Unit development would prevent the need to seek school places further afield and transport very young children across the authority, which would incur revenue costs for the authority and is likely to be highly unpopular.

Additional Comments

Internal Drainage Board updated comments –

As you are aware a meeting was held yesterday between the Board's representatives and Andy Girvan of Campbell Buchanan to discuss a way forward after the Board objected to the proposed surface water drainage strategy for the revised planning application. It is essential that due to the current and historical flooding issues encountered downstream of this site flows are restricted and do not increase flood risk. The result is that a revised FRA will now be submitted based on the principles agreed. Therefore following on from your discussions today with Andy Girvan, the Board would be prepared to accept a suitably worded pre commencement condition along the lines of the following :-

“No development shall commence until a revised storm water strategy has been submitted and approved by the local planning authority. For the avoidance of doubt the strategy shall require a discharge rate at or below the current demonstrable formalised discharge rate for the site”.

Revised Landscape Master Plan submitted to reflect discussions with Landscape Officer relating to woodland boardwalk area. Plan Number P440/001 rev B.

Additional/Amended Conditions

No development shall commence until a revised storm water strategy has been submitted and approved by the local planning authority. For the avoidance of doubt the strategy shall require a discharge rate at or below the current demonstrable formalised discharge rate for the site. The development shall be implemented in accordance with the approved details.

Reason: To ensure the development does not pose a risk to flooding in accordance with the NPPF.

Drawing Number condition updated with P440/001 rev B.

Item 8 (Pages 65-80) – CB/15/03751/VOC – Riveroaks, Stanford Lane, Clifton.

Additional Consultation/Publicity Responses

Additional comment received from Clifton resident –

Permission was granted on the basis that this site was for a family unit. Removing the condition would allow any number of persons to occupy the site. Object to application for this reason.

Additional Comments

No further comments.

Additional/Amended Conditions

No further comments.

Item 9 (Pages 81-92) – CB/15/03767/FULL – Westbury, Deepdale, Potton, Sandy, SG19 2NH.

Additional Consultation/Publicity Responses

No further comments

Additional Comments

No further comments

Additional/Amended Reasons

No further comments

Item 10 (Pages 93-122) – CB/15/02258/FULL – Land off Marston Road, Lidlington, Bedford, MK43 0UQ.

Additional Consultation/Publicity Responses

Lidlington Parish Council additional comments received 30th November 2015.

- The Parish Council are aware this site has planning permission granted for a commercial use, the Parish Council have not sighted a change of use planning permission for this site.

- The additional houses will add more vehicles movements at the A507 junction which is already very dangerous, it is asked that this be considered as safety improvements are needed to this junction, and none are programmed in at present.
- The current development in this locality has a number of vehicles parking constantly around the approach to the roundabout on Marston Road, which is dangerous. Any additional housing would add to this problem. The proposed thoroughfare to the new area of housing would take away the main area that currently being used to cope with the current inadequate parking provision. Thus leading to further displacement of vehicles that have no where to park.
- The additional housing will bring a great strain on the utilities currently serving the houses off Marston Road, these will be come overloaded. The village regularly suffers from power cuts due to this issue.
- There is a well documented problem with low water pressure as well.
- The Parish Council would like to see the permissive path upgraded to a full public right of way as a condition of this development, if permission is to be granted, as this was a promised planning gain on Phase 1, which to date has never happened.
- The Council question whether plots marked 29 to 31 are compliant with the East West Rail upgrade plans that no new houses are to built within 30metres of the proposed upgrade.
- The Council are disappointed not to see any self build plots available.
- The Council feel the proposals are unsustainable as they have a negative impact on the village, taking away employment opportunity

Ecologist

No further comments.

SuDs

Previous comments still stand.

Landscape Officer

The boundary frontage has been redesigned and I would like the planting scheme to be further amended to ensure that the Marston Road frontage has a complete and unified scheme. This would be through an extension of the native shrub planting. I note that there has been a reduction in the number of trees planted, e.g. the small group closest to the access road now only has one tree - a birch - remaining. This tree will need to be substituted for a tree of greater stature, still preferably native. A birch tree is not appropriate for a "gateway " feature.

I am also concerned about the specification of *Acer freemannii*- as this is a hybrid between *A. rubrum* and *A. saccharinum*. Could the landscape architects please ensure that this tree is not used as a street tree - as I have concerns about the eventual height and root impact. *Acer rubrum* or *A. campestre* varieties could be used.

Petition

A copy of a petition that was sent to the developer in October 2014 was received. This raised a number of concerns about the proposal following a public exhibition and was signed by 41 residents, this was unfortunately not noted in the report. It raised the following concerns:

- Traffic and site access
- Current local developments
- Employment permission
- Local amenities
- Playground relocation
- Nearby residents
- Railway line
- Drainage
- Broadband
- Existing responsibilities

Further representation received from a resident in Riglen Close, raise no new issues other than to consider further the tree planting and landscaping scheme. A condition has already been imposed should permission be approved requiring a landscaping scheme.

Additional Comments

S106 Draft Heads of Terms: These have been agreed and a draft S106 has been circulated to all parties.

Financial contributions have been secured for the Middle and Upper School provision as detailed in the report and requested by the Council's Education Officer.

Middle School - £71,882.30
Upper School - £88,146.41

East West Rail

The position on the East West Rail and the improvements to the line at this point were referred to in the Officer's report. However, for clarification Network Rail were consulted on the application and raised no objection on this issue. The East West Rail project team were also consulted and no response was received.

The plans are still out for consultation and there is no defined scheme in place. It is therefore considered that we cannot withhold planning permission on this basis.

Footpath

The Parish Council raised a point regarding the permissive footpath being a dedicated public right of way secured through the previous S106 on the adjacent site. The provisions of the S106 on the adjacent site will be investigated and any issue arising will be taken up with the developers.

Additional/Amended Conditions

- 15 **No development shall take place until details of measures to prevent access onto Network Rail land have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason and Justification:

In order to protect users of the adjacent public open space and safety of the railway line.

- 16 **No development shall commence until full details of ground levels, earthworks and excavations to be carried out near to the railway boundary have been submitted to and approved in writing by the Local Planning Authority and Network Rail.**

Reason: To protect the adjacent railway from de-stabilisation and subsidence.

- 17 **No development shall commence until details of the disposal of both surface water and foul water drainage directed away from the railway have been submitted to, and approved in writing by the Local Planning Authority and Network Rail.**

Reason: To protect the adjacent railway from the risk of flooding and pollution.

- 18 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Planning Statement (September 2015); LVIA (November 2015); Design and Access Statement (November 2015); Sustainability Statement; Report on Marketing; Ecological Appraisal; Arboricultural Assessment; Flood Risk Assessment; Utilities Report; Phase II Ground Investigation; Noise Assessment; Transport Assessment; 20282_02_010_01 Rev C; 20282_01_230_001 Rev H; S242_110 Rev C; S242_100 Rev I; S242_101 Rev I; S424_130 Rev D; S242_210 Rev I; S242_200 Rev I; 20282_06_170_01.1; S242_211; GL0408 01D; GL0408 02A; SH11 (elevations) Rev B; SH11 (plans); SH27 - X5 Rev B; SH35-X5 (2013) Rev B; SH35-X5 Rev B; P332-5 Rev G; P341-WD5 (1 of 2) Rev A; P341-WD5 (1 of 2) Rev F; P341-WD5 (2 of 2) Rev K; H421-5 (1 of 2) Rev G; H421-5 (2 of 2) Rev L; H452-5 (1 of 2) Rev F; H452-5 (2013) (2 of 2); H456-5 (2013) (2 of 2); H456-5 (2013) (1 of 2); H469-X5 (1 of 2) Rev I; H469-X5 (2013) (2 of 2) Rev A; H486-5 (1 of 2) Rev A; H486-5 (2013) (2 of 2); H533-5 (1 of 2) Rev F; H533-5 (1 of 2) Rev F; H533-5 (2 of 2) Rev F; H536-Y5 (2013) (1 of 2) H536-Y5 (2 of 2) Rev M; H585-5 (1 of 2); H585-5 (2 of 2); LDG1H; XTG2S; XSG1F; XDG2S.**

Reason: To identify the approved plan/s and to avoid doubt.

Additional Informatives

6. 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.
7.
 - Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to Network Rail Asset Protection, once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWSouth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.
 - All surface water is to be directed away from the railway Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway. Drainage works could also impact upon culverts on developers land. Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment or de-stabilisation of land through water saturation.
 - Full details of the drainage plans are to be submitted for approval to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the approval of the Network Rail Asset Protection Engineer.
 - No infiltration of surface water drainage into the ground is permitted other than where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

If the developer and the LPA insists on a sustainable drainage and flooding system then the issue and responsibility of flooding and water saturation should not be passed onto Network Rail and our land. The NPPF states that, "103. When determining planning applications, local planning authorities

should ensure flood risk is not increased elsewhere,” We recognise that councils are looking to proposals that are sustainable, however, we would remind the council in regards to this proposal in relation to the flooding, drainage, surface and foul water management risk that it should not increase the risk of flooding, water saturation, pollution and drainage issues ‘*elsewhere*’, i.e. on to Network Rail land.

- We would draw the council’s and developer’s attention to the Department of Transport’s ‘Transport Resilience Review: A Review of the Resilience of the Transport Network to Extreme Weather Events’ July 2014, which states, “*On the railways, trees blown over in the storms caused severe disruption and damage on a number of routes and a number of days, particularly after the St Jude’s storm on 28th October, and embankment slips triggered by the intense rainfall resulted in several lines being closed or disrupted for many days..... 6.29 Finally the problem of trees being blown over onto the railway is not confined to those on Network Rail land. Network Rail estimate that over 60% of the trees blown over last winter were from outside Network Rail’s boundary. This is a much bigger problem for railways than it is for the strategic highway network, because most railway lines have a narrow footprint as a result of the original constructors wishing to minimise land take and keep the costs of land acquisition at a minimum.*”

In light of the above, Network Rail would request that no trees are planted next to the boundary with our land and the operational railway. Network Rail would request that only evergreen shrubs are planted and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

- Trees can be blown over in high winds resulting in damage to Network Rail’s boundary treatments / fencing as well as any lineside equipment (e.g. telecoms cabinets, signals) which has both safety and performance issues.
- Trees toppling over onto the operational railway could also bring down 25kv overhead lines, resulting in serious safety issues for any lineside workers or trains.
- Trees toppling over can also destabilise soil on Network Rail land and the applicant’s land which could result in landslides or slippage of soil onto the operational railway.
- Deciduous trees shed their leaves which fall onto the rail track, any passing train therefore loses its grip on the rails due to leaf fall adhering to the rails, and there are issues with trains being unable to break correctly for signals set at danger.

The Network Rail Asset Protection Engineer must approve all landscaping plans.

Network Rail has a duty to provide, as far as is reasonably practical, a railway free from danger or obstruction from fallen trees. Trees growing within the railway corridor (i.e. between the railway boundary fences) are the responsibility of Network Rail. Trees growing alongside the railway boundary on adjacent land are the primary responsibility of the adjoining landowner or occupier.

All owners of trees have an obligation in law to manage trees on their property so that they do not cause a danger or a nuisance to their neighbours. This Duty of Care arises from the Occupiers Liability Acts of 1957 and 1984. A landowner or occupier must make sure that their trees are in a safe condition and mitigate any risk to a third party. Larger landowners should also have a tree policy to assess and manage the risk and to mitigate their liability.

Item 11 (Pages 123-142) – CB/15/03296/OUT – High Gables Farm, Clophill Road, Maulden.

Additional Consultation/Publicity Responses

The CBC Planning Policy consultation response has been duplicated. As such, the response should be replaced with the following text:

- *The housing trajectory is in the public domain as evidence for the Henlow appeal.*
- *This shows that the Council have a 5 year supply, with headroom.*
- *As such, Paragraph 49 of the National Planning Policy Framework continues to be a significant material consideration in determining applications.*

Additional Comments

Replace the text within the “The Application” section with:

“The application seeks outline planning permission for a single storey dwelling on the site of an existing timber agricultural building. The existing timber agricultural building would be demolished in order to accommodate the proposed new dwelling.

A plan (drawing no. CBC/002) has been submitted to identify the residential extent of the proposed development. This plan is referred to as the Residential Parameter Plan within this report.”

Replace “30 April 2015” within Paragraph 1.6 (under CB/13/02290/OUT) to “30 April 2014”

Additional/Amended Conditions

No further comments.

Item 12 (Pages 143-164) – CB/15/03253/FULL – Church of Saint Mary Magdalen, Church Road, Westoning.

Additional Consultation/Publicity Responses

Letter in support from Westoning Lower School.

The school children are frequent visitors to the Parish Church for services at Easter, Harvest Festival etc.. and at many of these services children from the local pre school, parents and carers are included. The pupils enjoy walking to the Church and it is good to have services at the Church as a whole school - as the school site lacks space for this. The pupils' experience at the Church would be greatly enhanced by the addition of a Parish Room. It would have adequate toilet facilities and the additional space would offer the opportunity for small group work and discussion and the possibility of offering refreshments for the children and parents that accompany the children walking to the Church.

Three letters in support from local residents:

The village hall is not always available for church events. It is too cold and expensive to heat the Church. There is only cold water available in the Church and one toilet in an outside brick building. It is not possible to have additional facilities inside the church. The proposed Parish Room is essential for church work with children, meetings and fund raising events for the Church. It will also be available for the wider community. The need for the facility is constantly increasing.

The parking problems are over exaggerated. Marshalls control the parking at weddings and funerals and the Church uses a large parking area in the Vicarage and some neighbours offer parking in their driveways. We acknowledge that more needs to be done in the future to avoid blocking areas of Church Road when Sunday services are held. Unaware of any changes in this application which might stop it being approved as it was originally.

Church membership has been increasing and the church is flourishing. There is a thriving, active church community. Various activities and support groups are held either in the Church or in peoples homes and it would be great to offer those activities in a Parish Room. It is a format that other churches have adopted. It could be used for tea, coffee and fellowship at the end of each service and after funerals and baptisms. Even if there is not a Parish Room car parking requirements will still be there when the Church is used for weddings and other functions when people also come from outside of the village. Parking will be dealt with as it is at present with cones, volunteers, church marshals and directions to other safe parking areas in the village. The new activities will tend to be much smaller group meetings/functions many of these being villagers who walk to the Church and this will not impact on car parking.

Additional Comments from the applicant.

There are at least 10 car parking spaces at the 'new' Vicarage. This is an informal arrangement. The church intends to investigate what opportunity there may be for the

provision of parking within the Church yard but anticipate that the existing constraints will limit this.

With regards to a possible Traffic Regulation Order are willing to give consideration to this but the Church is a charitable organisation and cannot use it's resources for matters that could be funded in other ways. Would be interested to know what other local organisations have been approached for contributions particularly given that on-street parking in Church Road is a general problem throughout the week with traffic generated by a multitude of activities, organisations and residential properties.

Additional/Amended Conditions

None.

Additional Informative

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

Item 13 (Pages 165-174) – CB/15/03807/FULL – Hadrian Academy, Hadrian Avenue, Dunstable, LU5 4SR.

Additional Consultation/Publicity Responses

18 Goldstone Crescent:

- Concerns regarding a discrepancy regarding allocated staff parking spaces within the application documents submitted.
- Concerns with staff numbers relayed differently within the application documents.

Additional Comments

The application proposes four additional staff parking spaces. Although there can be no restriction with regard to the employment of additional staff, the school have stated that as no additional staff are proposed at the time of making this application.

Item 14 (Pages 175-184) – CB/15/03920/FULL – Hadrian Academy, Hadrian Avenue, Dunstable, LU5 4SR.

Additional Consultation/Publicity Responses

88 Hadrian Avenue:

- Detrimental impact arising from indiscriminate on-street parking.

Drayton Crossroads Farmhouse, Drayton Newton:

- Detrimental impact arising from indiscriminate on-street parking.

18 Goldstone Crescent:

- Concerns regarding a discrepancy regarding allocated staff parking spaces within the application documents submitted.
- Concerns with staff numbers relayed differently within the application documents.

96 Hadrian Avenue:

- Requests that condition require the classrooms not be used outside of 08:00 – 18:00 and not at all at weekends

Additional Comments

The application proposes four additional staff parking spaces. Although there can be no restriction with regard to the employment of additional staff, the school have stated that as no additional staff are proposed as part of this application.

Hadrian Academy do hire out facilities in the school – primarily for the benefit of their pupils, but also for others in the local community. The main facility is the school hall which is provided for hire to local groups. Therefore, imposing time restrictive conditions may restrict current activities.

In addition, Hadrian Academy offers a comprehensive afterschool offering. This does alter on a termly basis, but currently the following activities that usually finish at 16:15 are provided:

Monday: Football club, Netball club and Art club;

Tuesday: Athletics club, Drama club, Mad Science club and Cooking club;

Wednesday: Hockey club and Science Club;

Thursday: Orchestra (before school), Basketball club (Hotshots), Drama club and French club;

Friday: Street Dance (before school), Select Sports and Cheerleading club.

Current external lettings at Hadrian Academy are:

- Slimming World on a Monday evenings 19:30 to 21:30;
- Beezee Bodies Dietician on Wednesday evenings 18:00 to 20:00;
- Hadrian Christian Fellowship on Sunday mornings 09:30 to 13:00.

The breakfast club and afterschool club run from 07:30 and to 17:30 respectively. This would be the primary use of the new space created behind the dining room. The school would like to be able to offer this up to 18:00. The space would lend itself to being let out for groups such as Slimming World and Beezee Bodies Dietician, so you can see that any time restriction would impact the current ability of the school to generate some modest income and help it be sustainable.

It is considered that the pressure on parking would be significantly reduced outside school hours.

Item 15 (Pages 185-194) – CB/15/03779/FULL – Land rear of 30-32 Markyate Road, Slip End, Luton, LU1 4BX.

Additional Comments

As stated in the Committee Report, pre-application advice was released in 2014 which concluded the following:

The principle for additional residential accommodation is considered acceptable however an application for that proposed herein would only be considered acceptable overall, providing that the design and scale of the dwellinghouses proposed would compliment the character of the prevailing streetscene and would not be prejudicial to amenity or highway safety, taking on board all the comments attached herein.

Amended Reasons

Amended typos:

1. The proposed development would because of its siting to the rear of the strong building line appear incongruous and cramped, out **of** character with the existing uniform grain of development and with adjoining dwellings in the locality. The overall scale and bulk of the proposed dwellinghouses are out of keeping with the existing character of the dwellings and thereby would be harmful to the visual amenities of the street scene and of nearby residents. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework, Policies BE8 & H2 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.
2. The proposed development would, because of its size and close proximity with the boundaries of numbers 28 and 34 Markyate Road, appear unduly overbearing and result in an unacceptable impact upon adjoining properties. The proposal is therefore contrary to the principles of good design principles within the National Planning Policy Framework and to Policies BE8 and **H2** of the South Bedfordshire Local Plan Review.

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