

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 16 August 2017

PRESENT

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

Cllrs M C Blair
K M Collins
I Dalgarno
F Firth
E Ghent

Cllrs C C Gomm
K Janes
T Nicols
T Swain
J N Young

Apologies for Absence: Cllrs Mrs S Clark

Substitutes: Cllr S Dixon (In place of Mrs S Clark)

Members in Attendance: Cllr J Chatterley

Officers in Attendance:	Mr D Ager	Principal Highway Officer
	Ms P Bramwell	Planning and Highways Solicitor
		LGSS Law
	Mr D Hale	Planning Manager South
	Mrs C Jagusz	Committee Services Administrator
	Mrs D Lavender	Principal Planning Officer
	Mr L Manning	Committee Services Officer
	Mrs L Newlands	Principal Planning Officer
	Mr R Page	Principle Highways Officer
	Ms A Rowland	Team Leader Sustainable Transport Team
	Mrs J Selley	Major Applications Manager
	Mr N Smith	Planning Project Manager
	Miss D Willcox	Senior Planning Officer

DM/17/45. **Chairman's Announcements**

The Chairman advised the meeting that the order of business would be as set out in the agenda.

The Chairman also reminded Members of the Committee that they had to be present throughout the entire debate on an Item (including the officer's introduction) in order that they could participate and vote upon it.

DM/17/46. **Minutes**

RESOLVED

that the minutes of the meeting of the Development Management Committee held on 19 July 2017 be confirmed and signed by the Chairman as a correct record.

DM/17/47. **Members' Interests**

(a) **Personal Interests:-
Member**

	Item	Nature of Interest	Present or Absent during discussion
Cllr K Janes	8	Was present at a committee meeting when discussed and asked for details to be sent to him	Present
Cllr N Young	6	In his role as Executive Member for Regeneration has met applicants (with CBC officer present) to discuss amount of s106 allocated to affordable homes and the possible relocation of some proposed buildings. Also met with individual objectors and a small group of objectors. Confirmed that he had kept an open mind	Present
Cllr K Matthews	7 & 9	Knows some of the speakers	Present

Cllr E Ghent	6	Knows Dunstable Town Council speaker	Present
All members of the Committee	9	Know Cllr S Dixon who is a major shareholder in the applicant company	Present

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

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr S Dixon	9	Is a major share holder in the applicant company	Absent

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

Member	Item	Parish/Town Council	Vote Cast
Cllr E Ghent	6	Dunstable	No

DM/17/48. **Planning Enforcement Cases Where Formal Action Has Been Taken**

The Chairman advised Members to raise any issues they might have with regard to planning enforcement cases with the Planning Enforcement and Appeals Team Leader.

NOTED

the monthly update of planning enforcement cases where action has been taken.

NOTE: PRIOR TO CONSIDERING THE PLANNING APPLICATIONS CONTAINED IN THE SCHEDULES ATTACHED TO THE AGENDA MEMBERS RECEIVED AND NOTED ANY ADDITIONAL INFORMATION RELATING TO THE APPLICATIONS AS DETAILED IN THE LATE SHEET FOR THIS MEETING

DM/17/49. **Planning Application No. CB/16/02972/FULL**

The Committee considered a report regarding Planning Application No. CB/16/02972/FULL for the erection of 270 dwellings with parking and associated works at the former Dukeminster Estate, Church Street, Dunstable.

In advance of consideration of the application the Committee's attention was drawn to additional neighbour representations, additional consultation/publicity responses, an update to s106 contributions and proposed additional conditions as set out in the Late Sheet. The planning officer advised that there was some duplication of conditions relating to access and the use of garages and these would be removed should the application be approved.

In advance of consideration of the application the Committee received representations from Dunstable Town Council, objectors to the application and the applicant's agent under the public participation scheme. Clarification was sought on from the applicant's agent as to whether or not the footings for Flat Block 1 were already in place but the agent had not visited the site recently and so was unable to assist on this matter.

The Committee considered the application and in summary discussed the following:

- Concern by a ward Member that, although the developer had agreed to remove Flat Block 2, Flat Block 1 remained in its original position. The ward Member believed no footings had been laid for the latter and so he requested that the developers consider replacing the proposed Flat Block 1 with houses.
- The proximity of Flat Block 1 to Priory View and the claimed overbearing impact of the former. The planning officer referred to the revised positioning of the windows and balconies to reduce the likely impact of overlooking and these factors, in addition to the siting of the Flat Block 1, gave rise to an appropriate level of privacy. She also reminded the Committee that the block's siting and three storey height (with pitched roof) had already been approved under the extant reserved matters application although it was now proposed that the part of Flat Block 1 furthest from Priory View be increased to four stories in height.
- The siting of Flat Block 1 was set at an angle to Priory View and not 'back to back' with it. As such it did not need to meet the back to back distance requirement of 20 metres and the side on distance of approximately 14 metres between the two buildings was not considered inappropriate under the Council's design guidance.
- Concern regarding the possible loss of open space and two street trees from the site should the number of unallocated car parking spaces be increased by five in order to meet the Council's visitor parking standard. The planning officer felt that the proposal could actually be achieved without a detrimental impact on the level of amenity land at the site. Notwithstanding this it was proposed by a Member that the relevant condition (Condition 22 on the Late Sheet) be amended to read '...until

details to include *up to 5* additional unallocated parking spaces...' and the amendment was accepted by the Members who had moved and seconded the motion to approve the recommendation. However, the Member who had moved the original motion commented that he was less concerned regarding the potential loss of the trees than damage to the amenity land and the ambience of the development as a result of cars being parked on the amenity land through insufficient parking provision.

- The provision of children's play areas within the development. The planning officer confirmed that approval had been given for their construction on the site under the reserved matters application.

On being put to the vote 12 Members voted for approval, 0 against and 1 abstained.

RESOLVED

that Planning Application No. CB/16/02972/FULL relating to the former Dukeminster Estate, Church Street, Dunstable be approved as set out in the Schedule attached to these minutes.

AT THE CONCLUSION OF ITEM 6 ABOVE COUNCILLOR J CHATTERLEY LEFT THE MEETING

DM/17/50. Planning Application No. CB/17/01911/FULL

The Committee considered a report regarding Planning Application No. CB/17/01911/FULL for the redevelopment of the site to provide 10 no residential units, with associated landscaping, car parking and drainage at Chiltern Aquatics Centre, Westoning Road, Harlington, Dunstable, LU5 6PA.

In advance of consideration of the application the Committee's attention was drawn to additional consultation/publicity responses, additional comments and additional/amended conditions/reasons as set out in the Late Sheet.

In advance of consideration of the application the Committee received representations from Harlington Parish Council, an objector and the applicant's agent under the public participation scheme. Clarification on some of the points raised by the public speakers was sought by Members.

The Committee considered the application and in summary discussed the following:

- A ward Member's comments that most of the main issues of substance had been answered to his satisfaction including that with regard to pedestrian access from the development to the lower and upper schools. He felt that if drivers observed the 30 mph speed limit then no major issue would arise. If they did exceed the speed limit, which was

commonplace problem, then it was a matter for legal action. Provided the standard of driving was as it should be then the application was acceptable and he supported it.

- The loss of employment through the closure of the Centre. The planning officer advised that no details relating to the possible relocation of the Centre had been supplied and that, whilst the apparent loss of jobs had been considered, the National Planning Policy Framework (NPPF) clearly allowed redevelopment to take place. A Member reinforced the officer's statement and drew the meeting's attention to the government's desire to see local authorities develop brownfield sites before others. As such it would not be possible to resist the application at appeal.
- Reference to a horticultural tie on the bungalow sited to the front left immediately outside the site. It was noted that the tie applied to the current occupant of the bungalow and would only need to be removed if the property were to be sold to someone not employed in horticulture. As such the issue was not a material consideration. The Committee noted that the nursery referred to on the plan accompanying the officer's report no longer existed as the Chiltern Aquatics Centre had superseded it.

On being put to the vote 12 Members voted for approval, 0 against and 1 abstained.

RESOLVED

that Planning Application No. CB/17/01911/FULL relating to the Chiltern Aquatics Centre, Westoning Road, Harlington, Dunstable, LU5 6PA be approved as set out in the Schedule attached to these minutes.

DM/17/51. Planning Application No. CB/17/02729/VOC

The Committee considered a report regarding Planning Application No. CB/17/02729/VOC for the variation of condition 4 of the original Planning Application No. SB/95/00176/Full to enable the hours of operation to be changed to Wednesday, Friday and Saturday 10am till 3pm and Sunday 10am till 2pm at the motorcycle track, south of Stanbridge Road, Great Billington.

In advance of consideration of the application the Committee's attention was drawn to additional consultation/publicity responses and additional comments as set out in the Late Sheet.

In advance of consideration of the application the Committee received representations from Eaton Bray Parish Council, Stanbridge Parish Council and an objector to the application under the public participation scheme. Clarification on the points raised by the objector was sought by Members with particular reference to the value and impact of the two hour 'lunchbreak' period between 12.30 p.m. and 2.30 p.m. on Mondays – Saturdays when use of the track was not permitted. The objector emphasised the importance of this restriction in controlling operations at the site and how it had, for the most part,

proved a reliable means of doing so. In response to a further query, however, the objector referred to a series of breaches of the existing conditions relating to the hours of operation, the difficulty in undertaking enforcement action and the current existence of three Breaches of Condition Notices.

The planning officer drew Members' attention to an error in paragraph 2.3 of her report which incorrectly stated that the hours of operation Monday – Saturday commenced at 10.30 a.m. when they actually started at 10.00 a.m. She also reminded Members that enforcement activity was not a material consideration in the determination of planning applications.

The Committee considered the application and in summary discussed the following:

- The implementation of a previously approved planning application (CB/14/03678/VOC) which allowed the winter operation of the site during 1 October to 30 April. This was subject to various requirements including an increase in the height of the bunding around the track and no planning permission for such works had been approved. However, an application to carry out bunding works had been received though it was not envisaged that the winter operation of the site could commence until October 2018 should the application be approved.
- The variation of condition 4 under the application currently before Members was on a temporary basis until 30 September 2017 only. There would be no net increase in the operating hours of the track although the lunch break period would be lost. However, the use of the track would finish earlier on Wednesday, Friday and Saturday at 3.00 p.m. rather than 5.00 p.m. Concern remained amongst some Members as to the detrimental impact on local residents arising from the track's continuous use coupled with the difficulties in enforcing the conditions. A member of the Committee, in his role as Executive Member for Regeneration, undertook to take up the issue of planning condition breaches.
- The suggested future requirement for CCTV coverage or similar to be installed at the Motorcycle Track to allow observation of the site to assist in ensuring the operator complied with planning conditions.
- Preference for a regulated solution involving the use of such sites over one which saw unregulated off road use in the countryside.
- Assurance that approval of the planning application would not constitute a precedent.
- That the conditions only applied when motorcycle training and practice took place at the permitted times within the site. It did not, for example, cover the revving of motorcycle engines in the site's carpark or the use of the roads around the site.
- The legal requirement to determine only what was before the meeting.

On being put to the vote 7 Members voted for approval, 5 voted against and 1 abstained.

RESOLVED

that Planning Application No. CB/17/02729/VOC relating to the Motorcycle Track south of Stanbridge Road, Great Billington be approved as set out in the Schedule attached to these minutes.

HAVING DECLARED A PERSONAL AND PREJUDICIAL INTEREST IN ITEM 9 BELOW COUNCILLOR S DIXON LEFT THE MEETING BEFORE THE ITEM WAS CONSIDERED

DM/17/52. Planning Application No. CB/17/02252/FULL

The Committee considered a report regarding Planning Application No. CB/17/02252/FULL for the creation of a new nursery extension to the existing 6 classroom teaching block. The nursery would be in a position that enabled it be accessed separately from the rest of the school, with minor changes to the route around the north of the existing school building to accommodate this access. One of the classrooms within the 6 classroom extension would be moved into the existing school to allow for the creation of the nursery at St Andrew's Lower School, Bantock Way, Biggleswade, SG18 8UQ.

The planning officer reported that he had received a transport assessment from the applicant which had been inadvertently omitted from the application. The meeting noted, however, that the Highways Officer had been able to respond without the need to consider the missing document and it had made no difference to the conclusion reached.

In advance of consideration of the application the Committee received a representation from an officer from Central Bedfordshire Council's Children's Services Directorate who spoke in favour of the application.

Members considered the application and no issues were raised.

On being put to the vote 11 Members voted for approval, 0 voted against and 1 abstained.

RESOLVED

that Planning Application No. CB/17/02252/FULL relating to St Andrew's Lower School, Bantock Way, Biggleswade, SG18 8UQ be approved as set out in the Schedule attached to these minutes.

DM/17/53. Late Sheet

In advance of consideration of the planning applications attached to the agenda 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.

DM/17/54. **Site Inspection Appointment(s)**

NOTED

that the next meeting of the Development Management Committee will be held on 13 September 2017.

RESOLVED

that all Members and substitute Members along with relevant ward representatives be invited to conduct site inspections on 11 September 2017.

(Note: The meeting commenced at 10.00 a.m. and concluded at 12.20 p.m.)

Chairman

Dated

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Item No. 6

APPLICATION NUMBER	CB/16/02972/FULL
LOCATION	Former Dukeminster Estate, Church Street, Dunstable
PROPOSAL	Erection of 270 dwellings with parking and associated works.
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Chatterley
CASE OFFICER	Donna Lavender
DATE REGISTERED	18 July 2016
EXPIRY DATE	25 November 2016 (Extension of time Agreed)
APPLICANT	Persimmon Homes North London
AGENT	
REASON FOR COMMITTEE TO DETERMINE	Major Application that is a departure from the Development Plan
RECOMMENDED DECISION	Full Application – Recommendation for Approval subject to the completion of a S106 agreement

Recommendation:

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

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 building shall be occupied until a phase 4 Validation report demonstrating the effectiveness of the remediation strategy, presented in the BRD 'Additional Contamination Assessment and Remediation Strategy' document (Report Ref: BRD2297-OR2-B) dated October 2015, has been submitted and approved in writing by the Local Planning Authority. Any such validation report shall include responses to any unexpected contamination discovered during works.

If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: To protect human health and the environment.
(Policy BE8 SBLPR and the provisions of the NPPF)

- 3 **No development shall take place until a scheme for protecting the proposed dwellings from noise has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the noise.co.uk report (Ref: 16065A-1) dated 24th October 2016. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.**

Reason: This is a pre-commencement condition as the materials and other methods of noise mitigation are required to be pre-ordered prior to construction and to protect the residential amenity of any future occupiers.

(Policy BE8 SBLPR and the provisions of the NPPF)

- 4 **Prior to the commencement of development, including demolition, all tree protection barriers shall be erected and positioned in strict accordance with the "Tree Protection Removal Plan" drawings (Dwg No's 710 Rev E and 711 Rev E), in full compliance with the appropriate build specification as being shown on the drawings. The tree protection barriers shall then remain securely in position throughout the entire course of development.**

Reason: This is a pre-commencement condition as protection for pre-existing trees must be erected prior to construction to secure the protection of the rooting system, rooting medium and natural canopy spread of retained trees from all development activity, so as to maintain their good health in the interests of securing visual amenity (Policy BE8 SBLPR and the provisions of the NPPF)

- 5 During the course of development, all hand excavation and root pruning being undertaken in the areas indicated as such on the "Tree Protection Removal Plan" drawings (Dwg No's 710 Rev E and 711 Rev E), shall be carried out under the direct supervision of a qualified arboriculturist, appointed by the developer to oversee these operations, in full compliance with good arboricultural practice.

Reason: To ensure compliance with good arboricultural practice and to minimise damage to tree roots caused by construction operations being required within the designated Root Protection Area's of the retained trees, so as to maintain their good health, in the interests of securing visual amenity.

(Policy BE8 SBLPR and the provisions of the NPPF)

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

occupied.

Reason: In the interest of promoting sustainable transport.
(Policy BE8 SBLPR and the provisions of the NPPF)

- 7 **No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.**

Reason: This is a pre-commencement condition as ground works in relation to Foul Water will be required to be completed before the foundations and building of the units to prevent environmental and amenity problems arising from flooding.
(Policy BE8 SBLPR and the provisions of the NPPF).

- 8 No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.
(Policy BE8 SBLPR and the provisions of the NPPF)

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

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.
(Section 4, NPPF)

- 10 **Notwithstanding the details supplied with this application, no development shall take place, until details of the materials to be used for the external walls and roofs (including the provision of birds/bat boxes) of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: This condition is pre-commencement as materials are ordered prior to construction and to control the appearance of the building in the interests of the visual amenities of the locality and in the interest of ensuring a net gain in biodiversity.
(Policy BE8 SBLPR and Sections 7 & 11, NPPF)

- 11 **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: This condition is pre-commencement as ground levels must be agreed on site prior to construction to ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.

(Policy BE8 SBLPR and Section 7, NPPF)

- 12 The dwellings hereby approved shall not be occupied until details of the bin storage & collection areas have been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection areas have been implemented in accordance with the approved details. The bin storage & collection areas shall be retained thereafter.

Reason: In the interest of amenity.

(Policy BE8 SBLPR and Section 7, NPPF)

- 13 The planting and landscaping scheme shown on approved drawings shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season shall mean the period from October to March) and shall be maintained in accordance with the approved landscape management plan. 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.

(Policy BE8 SBLPR and Sections 7 & 11, NPPF)

- 14 No part of the development hereby approved shall be bought into use until a Public Art Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall address suitable themes and artistic opportunities; strategies for pupil involvement as appropriate; timescales for implementation of the strategy; and project management and long-term maintenance arrangements. The Public Art Strategy shall then be implemented in full as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting local distinctiveness and creating a sense of place, in accordance with Policy BE8 SBLPR and the Central Bedfordshire Design Guide.

- 15 **No development shall take place until a Construction Management/Method Plan and Statement with respect to the construction phase of the development have been submitted to and approved in writing by the Local Planning Authority. Development**

works shall be undertaken in accordance with the approved Construction Management/Method Statement/Plan. The details shall include, amongst other things, access arrangements for construction vehicles; compounds, including storage of plant and materials; details of how the road shall be kept clear of mud deposit or other extraneous material; loading and unloading areas and construction workers parking arrangements.

Reason: This condition is pre-commencement as the method of management of construction traffic and/or materials on site is required before works begin, in the interest of safeguarding the local residential amenity.

(Policy BE8 SBLPR and Section 4, 7 and 13 of the NPPF)

- 16 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing how renewable and low energy sources would generate 10% of the energy needs of the development and also showing water efficiency measures achieving 110 litres per person per day. The works shall then be carried out in accordance with the approved details.

Reason: This condition is pre-commencement as the details and materials used in construction must be ordered in advance of construction and in the interests of sustainability.

(Section 10 of the NPPF)

- 17 No development shall commence until a detailed surface water drainage scheme for the site and an assessment of the hydrological and hydrogeological context of the development, including a plan for long term maintenance and management, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the system has been calculated as well as how it will be constructed, including any phasing, and how it will be managed and maintained after completion. The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: This condition is pre-commencement as the surface water drainage scheme will require ground works to be carried out prior to construction, to ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 of the NPPF.

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 38992/001 rev B Drainage Layout Sheet 1 of 2, 38992_002 E Proposed Drainage Layout Sheet 2 of 2, Drainage Strategy (38992-004) received 02.05.17, 14.100.1.100.1 rev 35 Site Layout Coloured, 14.100.100.1.SH rev 35 Storey Height Plan, 14.100.1.100.MAT rev 35 Wall & Roof Materials, 14.100.1.101 Rev A Site Location Plan, 14.100.1.101.2

rev 35 Site layout (with altered area), 14.100.1.200 rev - Single Garage, 14.100.1.201 rev -Double Garage, 14.100.1.A01 rev E Bickleigh House Type, 14.100.1.A02 rev C Bickleigh House Type (Contemporary), 14.100.1.B01 rev E Hanbury House Type, 14.100.1.B02 rev D Hanbury House Type (Contemporary), 14.100.1.C01 rev D Hatfield House Type, 14.100.1.C02 rev A- Hatfield House Type (Contemporary), 14.100.1.D01 rev E Alnwick House Type, 14.100.1.D02 rev D Alnwick House Type (Contemporary), 14.100.1.E01 rev D Leicester House Type (Elevations), 14.100.1.E02 rev C Leicester House Type (Plans), 14.100.1.F01 rev E Moseley House Type, 14.100.FL.01 rev F Flat Block 1 Plans, 14.100.FL.01.1 rev F Flat Block 1 Elevations, 14.100.1.FL.03 rev D Flat Block 3 (Plans), 14.100.1.FL.03.1 rev D Flat Block 3 (Elevations), 14.100.1.FL.04 rev E Flat Block 4 (Plans), 14.100.1.FL.04.1 rev E Flat Block 4 (Elevations), 14.100.FL.05 rev F Flat Block 5 (Plans), 14.100.FL.05.1 rev F Flat Block 5 (Elevations), 14.100.1.FL.06 rev D Flat Block 6 (Plans), 14.100.1.FL.06.1 rev D Flat Block 6 (Elevations), 14.100.1.FL.07 rev D Flat Block 7 (Plans), 14.100.1.FL.07.1 rev D Flat Block 7 (Elevations), 14.100.1.FL.08 rev D Flat Block 8 (Plans), 14.100.1.FL.08.1 rev D Flat Block 8 (Elevations), 14.100.1.FL.09 rev D Flat Block 9 (Plans), 14.100.1.FL.09.1 rev D Flat Block 9 (Elevations), 14.100.1.FL.10 rev D Flat Block 10 (Plans), 14.100.1.FL.10.1 rev D Flat Block 10 (Elevations), 14.100.1.FL.11 rev D Flat Block 11 (Plans), 14.100.1.FL.11.1 rev D Flat Block 11 (Elevations), 14.100.1.FL.12 rev D Flat Block 12 (Plans), 14.100.1.FL.12.1 rev D Flat Block 12 (Elevations), 14.100.1.H01 rev A – Lumley House Types (Contemporary – Plans), 14.100.1.H02 rev A– Lumley House Types (Contemporary – Elevations), 14.100.1.J02 rev C Rockingham House Type (Contemporary), 14.100.1.K01 rev B – Greyfriars House Type, 14.100.1.SS.01 rev I Street Scenes 1, 14.100.1.SS.02 rev I Street Scenes 2, 14.100.1.SS.03 rev I Street Scenes 3, 14.100.1.101.3 rev 35 Cycle Parking, 14.100.1.101.4 Rev 35 Affordable Housing, JSL2463 110 rev H Landscape Strategy, JSL2463 111 rev G Landscape Management Zones, JSL2463 210 rev F Hard Landscape, JSL2463 300 rev A Illustrative sections, JSL2463 510 rev F Soft Landscape Planting Plan 1 of 2, JSL2463 511 rev F Soft Landscape Planting Plan 2 of 2, JSL2463 550 rev G Tree and shrub palette, JSL2463 570 rev G Landscape Management Plan, JSL2463 705 rev D Tree Constraints & Shade Analysis, JSL2463 710 rev E Tree Protection Removal Plan 1 of 2, JSL2463 711 rev E Tree Protection Removal Plan 2 of 2, 17380/CHUR/5/500 rev E Refuse Vehicle Tracking, JSL2463 873 Ecology Statement, Energy Statement (May 2017), 16065A-1 Noise Assessment, 37341/5501 Rev A Residential Travel Plan, 37341/5501 Rev A Transport Assessment, Site Safety Assessment 1687C Jan 2017, 17078/002 Rev A (Access), BRD2297-0R2-B Contamination Assessment and Remediation Strategy (Oct 2015) & QTS Enviro Report 14-27284.

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

- 19 **Prior to the commencement of works an updated assessment of badger activity on site shall be submitted to and approved by the Local Planning Authority. This should inform a method statement detailing how ground works will proceed in preparing the LEAP and ongoing management of the area post construction to prevent disturbance to badgers.**

Reason: This condition is pre-commencement as updated assessment will inform other details to be approved under this permission and to ensure proper consideration of the impact of the development on ecology in accordance with the NPPF.

- 20 **Development shall not begin until details of the improvements to the junction between the proposed estate road and the highway have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until the subject junction has been constructed in accordance with the approved details.**

REASON: This condition is pre-commencement to ensure appropriate access can be provided before the construction phased, in order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road. (Policies BE8 & T10 S.B.L.P.R and Section 7 of the NPPF)

- 21 **Development shall not begin until details to include up to 5 additional unallocated parking spaces within the site have been submitted to and approved by the Local Planning Authority and no building shall be occupied until those parking spaces have been constructed in accordance with the approved details and retained thereafter.**

REASON: This condition is pre-commencement to ensure appropriate parking can be facilitated in the site, In order to minimise danger, obstruction and inconvenience to users of the highway. (Policies BE8 & T10 S.B.L.P.R and Section 7 of the NPPF)

- 22 **No dwelling shall be occupied until triangular vision splays have been provided on each side of all accesses on to the new roads. Such vision splays shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's / developer's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.**

REASON: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them. (Policies BE8 & T10 S.B.L.P.R and Section 7 of the NPPF)

- 23 **Development shall not commence until details of a scheme for the parking of cycles on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before each phase of the development hereby permitted is first occupied or brought into use and thereafter retained for this purpose.**

REASON: This condition is pre-commencement 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 can be facilitated within the site. (Policy BE8 S.B.L.P.R and Section 7 of the NPPF)

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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through engagement with the applicant at pre-application stage and during the application 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.

Item No. 7

APPLICATION NUMBER	CB/17/01911/FULL
LOCATION	Chiltern Aquatics Centre, Westoning Road, Harlington, Dunstable, LU5 6PA
PROPOSAL	Full planning permission for the redevelopment of the site to provide 10 no residential units, with associated landscaping, car parking and drainage.
PARISH	Harlington
WARD	Toddington
WARD COUNCILLORS	Cllrs Costin & Nicols
CASE OFFICER	Lisa Newlands
DATE REGISTERED	20 April 2017
EXPIRY DATE	20 July 2017
APPLICANT	McCann Homes
AGENT	DLP Consultants
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Major application with a Parish Council Objection Full Application - Recommended for Approval

Recommendation:

That Planning Permission be approved 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 No development shall take place on the external walls, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

- 3 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately**

following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

**Reason: This is a pre-commencement condition to ensure an acceptable standard of landscaping and the safety, operational needs and integrity of the railway.
(Sections 7 & 11, NPPF)**

- 4 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality and ensure the safety, operational needs and integrity of the railway.
(Section 7, NPPF)

- 5 **Both prior to demolition and throughout the course of the development, all tree protection and supervised excavation methodology shall be carried out in strict accordance with Appendix C "Tree Protection Plan (Ref: 9491 TPP 01), Appendix E "Supervised Excavation Methodology", and Appendix F "Tree Protection Barrier Specification", which form part of the Arboricultural Impact Assessment dated April 2017 (Ref: 9491_AIA.001), as prepared by Aspect Arboriculture. The tree protection barriers must remain securely in position throughout the entire course of demolition and development.**

**Reason: This is a pre-commencement condition to ensure the successful retention of retained trees, and protect from development activity, so as to secure their health, amenity and screening value.
(Policy DM3, CSDM)**

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

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.(Policy DM3, CSDM)

- 7 No dwelling shall be occupied until visibility splays have been provided at the junction of the estate road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 43m measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on

behalf of the developers and be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access(es) and to make the access(es) safe and convenient for the traffic which is likely to use it (them). (Policy DM3, CSDM)

- 8 The proposed vehicular access for plots 6, 7 and 8 shall be surfaced in bituminous or other similar durable material (not loose aggregate) as may be approved in writing by the Local Planning Authority for a minimum distance of 5m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.(Policy DM3, CSDM)

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

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits (Policy DM3, CSDM)

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

Reason: To provide adequate visibility between the existing highway and the proposed access(es), and to make the access(es) safe and convenient for the traffic which is likely to use it (them). (Policy DM3, CSDM)

- 11 The turning head for vehicles illustrated on the approved Plan (No V17-106-P01 Rev C) shall be constructed before the development is first brought into use.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway. (Policy DM3, CSDM)

- 12 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, construction worker vehicle parking, wheel wash facilities. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site and the safety, operational needs and integrity of the railway.(Policy DM3, CSDM)

- 13 A scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom, 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. (See Notes to the Applicant)

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport. (Policy DM3, CSDM)

- 14 **No development shall take place until a scheme for protecting the proposed dwellings from noise from the railway has been submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the recommendations identified in the Cass Allen report (Ref: RP01-17258) dated April 2017. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.**

Reason: This is a pre-commencement condition to protect the amenity of any future occupiers and ensure that the development takes this into account prior to construction of the dwellings and the operational needs and integrity of the railway. (Policy DM3, CSDM)

- 15 **No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:**
- **A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination**
 - **A Phase 2 Site Investigation (where shown to be necessary in the Phase 1 Desk Study)**
 - **A Phase 3 Remediation Scheme (where shown to be necessary by the Phase 2 Site Investigation)**

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

Reason: This is a pre-commencement condition to protect human health should the land be contaminated. (Policy DM3,CSDM)

- 16 **No development shall take place until an ecological enhancement**

strategy (EES) has been submitted to and approved in writing by the Local Planning Authority. The EES shall include details of integrated bird boxes and wildlife friendly planting scheme. The EES shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: This is a pre-commencement condition to ensure a net gain in biodiversity and that the measures are taken into account prior to construction works starting on site.

- 17 **No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants at the development. Prior to the first occupation of the dwelling(s) the fire hydrant(s) serving that development shall be installed as approved. Thereafter the fire hydrant(s) shall be retained as approved in perpetuity.**

Reason: This is a pre-commencement condition in the interests of fire safety and providing safe and accessible developments. (Section 8, NPPF)

- 18 Prior to the occupation of any dwelling on the site, a scheme for the provision of waste receptacles for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place.

Reason: In the interest of residential amenity and to reduce waste generation in accordance with the Council's Minerals and Waste Local Plan 2014, Policy WSP5 and the adopted SPD "Managing Waste in New Developments" (2006).

- 19 Prior to the occupation of the buildings hereby approved a scheme for external lighting on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the dwellings and remain in perpetuity.

Reason: To protect the residential amenity of neighbouring properties, highway safety, safety, operational needs and integrity of the railway. (Section 7, NPPF)

- 20 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, Planning Statement; Landscape and Visual Impact Assessment; Design and Access Statement; Arboricultural Impact Assessment; Ecological Appraisal; Noise Impact Assessment; Drainage Strategy V17-106-SLP01 Rev A; V17-106-SBP01 Rev A; V17-106-P01 Rev C; V17-106-P02 Rev D; V17-106-P03 Rev D; V17-106-P04 Rev C; V17-106-P05; V17-106-P06 Rev A; V17-106-P07; JKK9520-1 Rev A.

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

- 21 **No development shall take place until details of the method of disposal of foul drainage have been submitted to and agreed in writing by the**

Local Planning Authority, including any land drainage system. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been implemented.

**Reason: This is a pre-commencement condition to ensure that adequate foul drainage is provided and that existing and future land drainage needs are protected.
(Section 10, NPPF)**

- 22 **No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Drainage Strategy (17 April 2017) and assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of attenuation for the 1 in 100 year event (+40% allowance for climate change) and QBar restricted run-off rates. Any revisions to the agreed strategy shall be fully justified and approved before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Details of how the system will be constructed including any phasing of the scheme, and how it will be managed and maintained after completion will also be included.**

The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. To discharge this condition modelled evidence (up and down stream of the proposed culvert) that the proposed culvert will not cause heightened flood risk to proposed or existing properties should be sent to CBC planning /Flood Risk team.

Reason: This is a pre-commencement condition to ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.

- 23 **No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.**

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.

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 National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. /The applicant is advised that in order to comply with this permission it may be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ
the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction in accordance with the approved plan, before the development is brought into use.
5. 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".
6. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways within the site 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 Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk,

Chicksands, Shefford SG17 5TQ

7.

FAO – Lisa Newlands**Ref – CB/17/01911/FULL****Proposal – Redevelopment of the site to provide 10no residential dwellings****Location – Chiltern Aquatics Centre, Westoning Road, Harlington, LU5 6PA**

Thank you for your letter of 10 May 2017 providing Network Rail with an opportunity to comment on the abovementioned application.

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of an electrified railway.

Land in Network Rail Ownership

The boundary of the development as proposed appears to be partly located on an area of land in the ownership of Network Rail. The attached plan shows the land in Network Rail's ownership (shaded in green). The applicant should contact Network Rail's Land Information Team (landinformation@networkrail.co.uk) as a matter of urgency to discuss the matter. It may be necessary for the applicant to resubmit the plans showing the proposed boundary on the correct alignment. This may also require the alteration of the Certificate B section of the application form as necessary.

Drainage

We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be **below** existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be **above** existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

Wayleaves and or easements for underline drainage assets

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets in the vicinity of the proposed works.

Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent. There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Matthew Shelton (matthew.shelton@networkrail.co.uk) for further information and assistance.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Although the existing NR fence is adequate in preventing trespass there will inevitably be pressure from the new residents to soften or even attempt to alter its appearance. It should be noted that our fence should not be altered or moved in any way and nothing should be put in place to prevent us from maintaining our boundary fence as we are obliged to do so in law. It is our experience that most developments seek to provide their own boundary enclosure so as to avoid such future problems. It would also help to reduce the impact of railway noise. We would advise that the developer should provide a trespass proof fence adjacent to Network Rail's boundary (minimum 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.**

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem, particularly if large construction vehicles may access the site via the Westoning Road railway bridge which has a 16ft (4.88m) height restriction. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata “Zebrina”

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular the **drainage, boundary fencing, method statements/OPE, soundproofing, lighting and landscaping** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.

The method statement will need to be agreed with:

**Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
York
YO1 6JT**

Email: assetprotectioninuem@networkrail.co.uk

Kind regards,

Matt Leighton

Town Planning Technician | Property

Network Rail

George Stephenson House | Toft Green | York | YO1 6JT

E matt.leighton@networkrail.co.uk

www.networkrail.co.uk/property

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Item No. 8

APPLICATION NUMBER	CB/17/02729/VOC
LOCATION	Motorcycle Track south of, Stanbridge Road, Great Billington
PROPOSAL	Variation of condition 4 -The proposal is for the hours of operation to be changed to Wednesday, Friday & Saturday 10am till 3pm and Sunday 10am till 2pm. Org app SB/95/00176/Full
PARISH	Stanbridge
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Debbie Willcox
DATE REGISTERED	10 July 2017
EXPIRY DATE	04 September 2017
APPLICANT	AG Bunker & Sons
AGENT	AW Architectural Design Ltd
REASON FOR COMMITTEE TO DETERMINE	Called-in by Councillor Versallion for the following reason: Extended noise nuisance in breach of conditions causing residents additional disturbance. The operation has in fact been unreasonably and substantially interfering with the use and enjoyment of homes and other premises as protected by the Environmental Protection Act 1990.
RECOMMENDED DECISION	Variation of Condition - Recommended for Approval

Recommendation:

That the Variation of Condition 4 be APPROVED subject to the following:

RECOMMENDED CONDITIONS

- 1 This permission shall only extend to the use of the site for the purpose of motor cycle training and practice until 30th September 2017.

Reason: To allow the Local Planning Authority to review the hours of use when the permission expires.

- 2 This permission shall extend only to the use of the site for the purposes of motor cycle training and practice and the site shall not be used for any other motor vehicle related activity or for any other purpose notwithstanding the provisions of Part 4, Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).

Reason: To enable the Local Planning Authority to exercise proper control over the development in the interests of general and residential amenity. (Policy BE8, SBLPR and Section 11, NPPF)

- 3 This permission shall extend only to the use of the site for informal motor cycle activity and shall not extend to the holding of organised trials, races, and other similar events.

Reason: To enable the Local Planning Authority to exercise proper control over the development in the interests of general and residential amenity.
(Policy BE8, SBLPR and Section 11, NPPF)

- 4 The site shall only be used for the purpose hereby permitted between the hours of 10am to 3pm on Wednesdays, Fridays and Saturdays and 10am to 2pm on Sundays, and not at all on Mondays, Tuesdays, Thursdays and Bank Holidays.

Reason: To safeguard the residential amenity which the occupiers of neighbouring properties might reasonably expect to enjoy.
(Policy BE8, SBLPR and Section 11, NPPF)

- 5 No more than 7 motor cycles shall use the track at any one time.

Reason: To enable the Local Planning Authority to exercise proper control over the development in the interests of general and residential amenity.
(Policy BE8, SBLPR and Section 11, NPPF)

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.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, 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.

Item No. 9

APPLICATION NUMBER CB/17/02252/FULL
LOCATION St Andrews Lower School, Bantock Way,
Biggleswade, SG18 8UQ
PROPOSAL To create a new nursery extension to the existing
6 classroom teaching block. The nursery will be in
a position that enables it be accessed separately
from the rest of the school, with minor changes to
the route around the north of the existing school
building to accommodate this access. One of the
classrooms within the 6 classroom extension will
be moved into the existing school to allow for the
creation of the nursery.
PARISH Biggleswade
WARD Biggleswade South
WARD COUNCILLORS Cllrs Lawrence & Woodward
CASE OFFICER Nikolas Smith
DATE REGISTERED 08 May 2017
EXPIRY DATE 03 July 2017
APPLICANT Willmott Dixon Construction Ltd
AGENT White Design
REASON FOR The site is owned by the Council and there has
COMMITTEE TO been an objection to the planning application.
DETERMINE

RECOMMENDED
DECISION Full Application - approve

Recommendation:

That Planning Permission be granted subject to the following 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 Materials used in the construction of the external surfaces of the extension shall match those used on the approved, and implemented classroom extension to the school, unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 3 **Notwithstanding the submitted details, no development shall commence at the site before details of landscaping, the relocation of**

the habitat area that would be removed to make way for the development and the replacement of trees that would be removed as a result of the development within the site together with a timetable for the completion of these works has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved timetable unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development would be acceptable in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 4 The development shall not be occupied before the following has been submitted to and approved in writing by the Local Planning Authority:

A contaminated land and ground gas assessment focusing on the former landfill to the south of the application site adhering to BS 10175 and incorporating all appropriate monitoring.

Where shown to be necessary by this assessment a detailed remediation/mitigation scheme shall be submitted and approved in writing. Any works which form part of such a scheme shall be approved by the local authority and completed in full before any permitted building is used or occupied.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, or membranes etc.), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 5 **No development shall commence at the site before a written scheme of archaeological investigation followed by post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved archaeological scheme.**

Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development. This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National Planning Policy Framework* that requires developers to record and advance of understanding of the significance of any heritage assets to be lost (wholly or in part) as a consequence of the development.

- 6 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and documents: 6298 3 7105 rev B, 6298 3 0132, 6298 3 0322, STA-MOT-V0-00-DR-E-0450 rev P3, D001 A, D002 A, 6298 c 0221 rev A, 6298 3 0061, 6298 3 0065, 6298 3 0066, 6298 3 0321 rev A, 6298 3 0131 rev A, Supplementary Planning Statement, External Lighting Design and Control Statement, Stage 3 Report and Design and Access Statement

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

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. The applicant's attention is drawn to the requirements of Building Regulations "Approved Document B (Fire Safety) 'Volume 2 – Buildings other than dwellinghouses'.
3. If the method of storm water disposal is to be by way of soakaways then it is essential that the ground conditions be investigated and if found to be satisfactory the soakaways constructed in accordance with the latest Building Research Establishment Digest 365.

In the event that ground conditions are found not to be suitable for soakaways drainage any direct discharge to the nearby watercourse will require the prior consent of the Internal Drainage Board.

With respect to any alternatives to the above methods of surface water discharge the applicant should enquire of Anglian Water whether a public sewer is available.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, 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.

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LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 16.08.17

Item 6 (Pages 13-40) – CB/16/02972/FULL – Former Dukeminster Estate, Church Street, Dunstable

Additional Neighbour Representations:

305 Priory View (07/08/17)- Objections raised due to increased traffic movements and air pollution.

N.B. All additional neighbour comments received as a result of the amended consultation were included in the officers recommendation report for committee under the heading “additional comments received on amended plans”

Additional Consultation/Publicity Responses

1. CBC Strategic Landscape (01/08/17) – No Objection to changes of the scheme
2. CBC Trees & Landscape Officer (02/08/18) - No Objection to changes of the scheme
3. CBC Private Sector Housing (03/08/17) - No Objection to changes of the scheme
4. CBC SuDs Engineer (04/08/17) - No Objection to changes of the scheme
5. CBC Highways (09/08/17) - Following on from my comments to you in my memorandum dated 11 October 2016 and having looked at the layout on drawing number 14.100.1.100.1.SH Rev 35, I make the following observations:-

As your consultation letter of 7 July the main changes to the original proposal is that the number of dwellings has reduced from 270 to 261. In the original consultation I made detailed comments in relation to the layout within the memorandum dated 23 May 16 the layout and with exception to visitor parking these matters have been dealt with

Since my comments of 23 May 2016 the applicant has submitted substantial information in relation to the existing junction. As a result of this information and by way of negotiation the applicant has agreed to make improvements to this junction. These improvements include a central pedestrian refuge within the bellmouth and changes to the length of the bus stop. Capacity calculations have been carried out and it is considered that this is an improvement to the existing scenario and mitigates against the increased flow associated with the proposal to increase the number of dwellings from 170 to 261.

While in general I am content with the revised layout, I remain concerned as to the degree of visitor parking. In accordance with the authority’s standard and for 261 dwellings there should be a total of 65 spaces which are unallocated and available to visitors. The revised drawing number 14.100.1.101.2 Rev 35 only shows 60 visitor spaces; all be it not very evenly distributed. I believe that there is the ability to

provide at least 5 additional visitor parking spaces and it would be reasonable to include a condition to stipulate that at least 5 visitor parking spaces shall be provided.

In a highway context I am content that the application should be permitted and I will be offering standard conditions to be included

Update to 106 Contributions

Update due to change in dwelling numbers and mix:

Education:

EY	£30,113.68
Primary	£140,530.50
Secondary	£183,683.51
Total	£354,327.69

Additional Conditions

Condition 21

Development shall not begin until details of the improvements to the junction between the proposed estate road and the highway have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until the subject junction has been constructed in accordance with the approved details.

REASON: This condition is pre-commencement to ensure appropriate access can be provided before the construction phased, in order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road. (Policies BE8 & T10 S.B.L.P.R and Section 7 of the NPPF)

Condition 22

Development shall not begin until details to include 5 additional unallocated parking spaces within the site have been submitted to and approved by the Local Planning Authority and no building shall be occupied until those parking spaces have been constructed in accordance with the approved details and retained thereafter.

REASON: This condition is pre-commencement to ensure appropriate parking can be facilitated in the site, In order to minimise danger, obstruction and inconvenience to users of the highway. (Policies BE8 & T10 S.B.L.P.R and Section 7 of the NPPF)

Condition 23

No dwelling shall be occupied until triangular vision splays have been provided on each side of all accesses on to the new roads. Such vision splays shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the

side of the new access drive. The vision splays so described and on land under the applicant's / developer's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

REASON: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them. (Policies BE8 & T10 S.B.L.P.R and Section 7 of the NPPF)

Condition 24

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2005, 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. (Policies BE8 & T10 S.B.L.P.R and Section 7 of the NPPF)

Condition 25

Development shall not commence until details of a scheme for the parking of cycles on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before each phase of the development hereby permitted is first occupied or brought into use and thereafter retained for this purpose.

REASON: This condition is pre-commencement 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 can be facilitated within the site. (Policy BE8 S.B.L.P.R and Section 7 of the NPPF)

Condition 26

Development shall not commence until details of bin storage/collection points shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be fully implemented prior to the occupation of any dwelling.

REASON: This condition is pre-commencement to ensure appropriate space is available for all necessary provisions and In the interest of the amenity of the area. (Policy BE8 S.B.L.P.R and Section 7 of the NPPF)

Item 7 (Pages 41-64) – CB/17/01911/FULL – Chiltern Aquatics Centre, Westoning Road, Harlington

Additional Consultation/Publicity Responses

CBC Drainage Engineer

We consider that planning permission could be granted to the proposed development and the final design and maintenance arrangements for the surface water system agreed at the detailed design stage, if the following recommendations and planning conditions are secured.

1. The connection of a surface water sewer into a culvert under a road is not recommended. Even with the proposed manhole access the ability to see obstruction is reduced greatly. An alternative outlet should be sought preferably downstream of the culvert
2. Para 1.12 of the FRA - Culverting to reduce flood risk is usually not the answer. It is unlikely that culverting would prevent flooding, the water is likely to flow over land. This needs to be modelled and proven to protect the proposed junction and the existing properties opposite. The input to the culvert should be included in the model as we suspect the problem will be moved to that position to then flow down the road or over private land.
3. Anglian Water SuDS adoption information <http://www.anglianwater.co.uk/developers/suds.aspx>
4. Soakaways and attenuation ponds should not be within 5 metres of a watercourse.
5. The proposed discharge of 4l/s into the drainage ditch will require consent from the IDB.
6. Please note that Land drainage Consent under the Land Drainage Act 1991 must be secured to discharge surface water and details of this provided with the full detailed design. An easement should be provided on the developable side of the watercourse to allow for access for maintenance, this should be 9m but may depend on the maintenance requirements considered appropriate.
7. We require detailed plans and drawings showing the proposed drainage system in its entirety, including location, pipe run reference numbers, dimensions, gradients and levels (in metres above Ordinance Datum). This shall include all elements of the system proposed, including source control, storage, flow control and discharge elements;
8. We will expect that any components that require replacement and/or maintenance will be designed to be accessible without undue impact on the drainage system and adjacent structures or infrastructure.
9. Where the use of permeable surfacing is proposed, this should be designed in accordance with the 'CIRIA RP992 The SuDS Manual Update: Paper RP992/28: Design Assessment Checklists for Permeable/Porous Pavement'.
10. The final detailed design including proposed standards of operation, construction, structural integrity and ongoing maintenance must be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).
11. To ensure future homeowners and subsequent homeowners will be aware of any maintenance requirements / responsibilities for surface water drainage; further measures should be proposed by the applicant and may include, for example, information provided to the first purchaser of the property and also designation/registration of the SuDS so that it appears as a Land Charge for the property and as such is identified to subsequent purchasers of the property. Any methods involving designation or registering a Land Charge are to be agreed with the LPA.

12. The Council does not, and is not required to, adopt any SuDS feature. It is the responsibility of the applicant to ensure that the surface water drainage system, in its entirety, will be effectively maintained in the long-term. We therefore expect confirmation of the proposed arrangements for maintenance to be provided with the final detailed design, including the future maintenance and operational needs and the responsible bodies for undertaking maintenance (for all public and private drainage components).

Condition 1 : No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Drainage Strategy (17 April 2017) and assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of attenuation for the 1 in 100 year event (+40% allowance for climate change) and QBar restricted run-off rates. Any revisions to the agreed strategy shall be fully justified and approved before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Details of how the system will be constructed including any phasing of the scheme, and how it will be managed and maintained after completion will also be included.

The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

To discharge this condition modelled evidence (up and down stream of the proposed culvert) that the proposed culvert will not cause heightened flood risk to proposed or existing properties should be sent to CBC planning /Flood Risk team.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.

Condition 2: No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.

Reason : To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.

Additional Comments

Following the advice from the Drainage Engineer, an amendment to condition 21 is proposed and 2 additional conditions.

The elevational drawings have been amended slightly to include windows at ground floor level on the elevations that are visible within the street scene. Condition 20 has been amended to reflect the revised plans submitted.

Given the concerns raised by Network Rail regarding land ownership – the agent contacted them to discuss and provide further information. Subsequently, Network Rail have withdrawn their comments in relation to land ownership.

Additional/Amended Conditions/Reasons

Condition 20 (as amended)

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, Planning Statement; Landscape and Visual Impact Assessment; Design and Access Statement; Arboricultural Impact Assessment; Ecological Appraisal; Noise Impact Assessment; Drainage Strategy V17-106-SLP01 Rev A; V17-106-SBP01 Rev A; V17-106-P01 Rev C; V17-106-P02 Rev D; V17-106-P03 Rev D; V17-106-P04 Rev C; V17-106-P05; V17-106-P06 Rev A; V17-106-P07; JKK9520-1 Rev A

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

Condition 21(as amended)

No development shall take place until details of the method of disposal of foul drainage have been submitted to and agreed in writing by the Local Planning Authority, including any land drainage system. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been implemented.

Reason: This is a pre-commencement condition to ensure that adequate foul drainage is provided and that existing and future land drainage needs are protected.

(Section 10, NPPF)

Condition 22 (additional condition)

No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Drainage Strategy (17 April 2017) and assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of attenuation for the 1 in 100 year event (+40% allowance for climate change) and QBar restricted run-off rates. Any revisions to the agreed strategy shall be fully justified and approved before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Details of how the system will be constructed including any phasing of the scheme, and how it will be managed and maintained after completion will also be included.

The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. To discharge this condition modelled evidence (up and down stream of the proposed culvert) that the proposed culvert will not cause heightened flood risk to proposed or existing properties should be sent to CBC planning /Flood Risk team.

Reason: This is a pre-commencement condition to ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.

Condition 23 (additional condition)

No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.

Reason : To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.

Item 8 (Pages 65-78) – CB/17/02729/VOC – Motorcycle Track south of, Stanbridge Road, Great Billington

Additional Consultation/Publicity Responses

The final comments of Stanbridge Parish Council are as follows:

“OBJECT on the grounds of NOISE POLLUTION. We believe this is a statutory nuisance contrary to the Environmental Protection Act 1990
Councils must look into complaints about noise that could be a 'statutory nuisance' (covered by the Environmental Protection Act 1990).

For the noise to count as a statutory nuisance it must do one of the following:

- unreasonably and substantially interfere with the use or enjoyment of a home or other premises
- injure health or be likely to injure health

This Motocross operation does interfere with the enjoyment of homes and gardens in the summer months and to now increase to a solid 5 hours may also be considered as an infringement under Human Rights Act 1998 'You also have the right to enjoy your home peacefully without intrusion by a public authority. A public authority may need to take positive steps so you can peacefully enjoy your home - for example, by reducing air craft noise or protect your home from serious pollution.'

Despite enforcement against operators already, they continue to breach the current planning agreement and are advertising the site as open till 3pm on a Sunday due to new planning permission on one web site it is stated as being open till 4pm. This is even before the council have made a decision so they seem to be taking no notice and assume they will get the permission.

It's fair to say the local residents are getting very fed up with the constant breaches in conditions and the blatant disrespect to the council, the law and local neighbours.

The noise of the bikes can be heard over a mile away. We therefore request that CBC ensure the number of bikes and engine sizes are compliant with current conditions.

It was AGREED that Chairman Elaine Sutton will attend the CBC DMC meeting on 16th August.”

The Highways Officer has responded to consultation and has no objections to the application.

The Trees & Landscape Officer has responded to consultation and has no objections to the application.

An additional 13 letters of objection have been received since the report was completed, from the following addresses: 5 Leighton Road, 31 & 39 Orchard Way, 106 Station Road, 22 Tilsworth Road and unnumbered Tilsworth Road, Stanbridge and Eyres Cottage, Rye Farm, Nos. 74 & 82 The Rye and 17 The Orchards, Eaton Bray and 136 Marley Fields, Leighton Buzzard. The content of the majority of these objections have already been expressed within the report by other neighbour objections or Parish Council responses and therefore have been addressed within the report. The only new issue raised is that the change could increase the amount of motorcycles within Stanbridge on their way to the track, which the objector is concerned could pose a threat to young children.

Additional Comments

In response to this new issue raised, it is not considered that the proposal would give rise to increased levels of motorcycle traffic, as the restriction on the number of motorcycles using the track would remain and no additional days are proposed. Furthermore, it is noted that the Highways Officer does not consider that the application would have an impact on highway safety.

It should be clarified that the current operators of the track are not the same operators as those who submitted the previous application. Nevertheless, it is understood that there is still an intention to implement planning permission CB/14/03678/VOC once planning permission has been granted for the additional bunding.

The closest part of the track is located some 400m from the closest house, at Mead Open Farm; some 0.9km from the closest house on The Rye in Eaton Bray and some 1.1km from houses on Station Road in Stanbridge.

Additional/Amended Conditions/Reasons

None

Item 9 (Pages 79-92) – CB/17/02252/FULL – St Andrews Lower School, Bantock Way, Biggleswade, SG18 8UQ

Additional Consultation/Publicity Responses

None

Additional Comments

None

Additional/Amended Conditions/Reasons

None

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