

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

**This meeting  
will be filmed.\***



**please ask for** Leslie Manning  
**direct line** 0300 300 5132  
**date** 15 August 2017

## **NOTICE OF MEETING**

### **DEVELOPMENT MANAGEMENT COMMITTEE**

Date & Time

**Wednesday, 16 August 2017 10.00 a.m.**

Venue at

**Council Chamber, Priory House, Monks Walk, Shefford**

Richard Carr  
**Chief Executive**

To: The Chairman and Members of the DEVELOPMENT MANAGEMENT COMMITTEE:

Cllrs K C Matthews (Chairman), R D Berry (Vice-Chairman), M C Blair, Mrs S Clark, K M Collins, I Dalgarno, F Firth, E Ghent, C C Gomm, K Janes, T Nicols, T Swain and J N Young

[Named Substitutes:

Cllrs D Bowater, A D Brown, Mrs C F Chapman MBE, S Dixon, Ms C Maudlin, A Ryan and B J Spurr]

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS MEETING***

**N.B. The running order of this agenda can change at the Chairman's discretion. Items may not, therefore, be considered in the order listed.**

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# AGENDA

## Welcome

1. **Apologies for Absence**

To receive apologies for absence and notification of substitute Members.

2. **Chairman's Announcements**

To receive any announcements from the Chairman and any matters of communication.

3. **Minutes**

To approve as a correct record the minutes of the meeting of the Development Management Committee held on 19 July 2017 (copy to follow).

4. **Members' Interests**

To receive from Members any declarations of interest, including membership of any Parish/Town Council consulted upon during the planning application process and the way in which a Member cast his/her vote.

## Report

Item	Subject	Page Nos.
5.	<b>Planning Enforcement Cases Where Formal Action Has Been Taken</b>	7 - 12
	To consider the report of the Director of Regeneration and Business which provides a monthly update of planning enforcement cases where action has been taken.	

## Planning and Related Applications

**Prior to considering the planning applications contained in the following schedules Members will have received and noted any additional information relating to the applications as detailed in the Late Sheet for this meeting.**

Item	Subject	Page Nos.
6.	<p><b>Planning Application No. CB/16/02972/FULL</b></p> <p><b>Address:</b> Former Dukeminster Estate, Church Street, Dunstable (nearest postcode LU5 4FF)</p> <p>Erection of 270 dwellings with parking and associated works.</p> <p><b>Applicant:</b> Persimmon Homes North London</p>	13 - 40
7.	<p><b>Planning Application No. CB/17/01911/FULL</b></p> <p><b>Address:</b> Chiltern Aquatics Centre, Westoning Road, Harlington, Dunstable, LU5 6PA</p> <p>Full planning permission for the redevelopment of the site to provide 10 no residential units, with associated landscaping, car parking and drainage.</p> <p><b>Applicant:</b> McCann Homes</p>	41 - 64
8.	<p><b>Planning Application No. CB/17/02729/VOC</b></p> <p><b>Address:</b> Motorcycle Track south of Stanbridge Road, Great Billington (nearest postcode LU7 9JH)</p> <p>Variation of condition 4 -The proposal is for the hours of operation to be changed to Wednesday, Friday, Saturday &amp; Sunday 10am till 3pm. Org app SB/95/00176/Full.</p> <p><b>Applicant:</b> AG Bunker &amp; Sons</p>	65 - 78
9.	<p><b>Planning Application No. CB/17/02252/FULL</b></p> <p><b>Address:</b> St Andrew's Lower School, Bantock Way, Biggleswade, SG18 8UQ</p> <p>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</p>	79 - 92

within the 6 classroom extension will be moved into the existing school to allow for the creation of the nursery.

**Applicant:** Willmot Dixon Construction Ltd

10. **Late Sheet**

To receive and note, prior to considering the planning applications contained in the schedules above, any additional information detailed in the Late Sheet to be circulated on **15 August 2017**.

11. **Site Inspection Appointment(s)**

Under the provisions of the Members' Planning Code of Good Practice, Members are requested to note that the next Development Management Committee will be held on **13 September 2017** and the Site Inspections will be undertaken on **11 September 2017**.

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**Meeting:** Development Management Committee  
**Date:** 16<sup>th</sup> August 2017  
**Subject:** Planning Enforcement cases where formal action has been taken  
**Report of:** Director of Regeneration and Business  
**Summary:** The report provides a monthly update of planning enforcement cases where formal action has been taken.

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**Advising Officer:** Director of Regeneration and Business  
**Contact Officer:** Sue Cawthra Planning Enforcement and Appeals Team Leader (Tel: 0300 300 4369)  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

This is a report for noting ongoing planning enforcement action.

##### **Financial:**

1. None

##### **Legal:**

2. None.

##### **Risk Management:**

3. None

##### **Staffing (including Trades Unions):**

4. Not Applicable.

##### **Equalities/Human Rights:**

5. None

##### **Public Health**

6. None

##### **Community Safety:**

7. Not Applicable.

**Sustainability:**

8. Not Applicable.

**Procurement:**

9. Not applicable.

**RECOMMENDATION(S):**

**The Committee is asked to:**

1. **To receive the monthly update of Planning Enforcement cases where formal action has been taken at Appendix A**

**Background**

10. This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
11. The list at Appendix A briefly describes the breach of planning control, dates of action and further action proposed.
12. Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases in Appendix A please contact Sue Cawthra on 0300 300 4369. For details of Minerals and Waste cases please contact Roy Romans on 0300 300 6039.

**Appendices:**

Appendix A – Planning Enforcement Formal Action Spreadsheet



## Planning Enforcement formal action (DM Committee 16th August 2017)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
1	CB/ENC/11/0402	Land adjoining Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	2 Enforcement Notices 1 - Unauthorised encroachment onto field 2 - Unauthorised hard standing, fence and buildings	15-Oct-12	12-Nov-12	10-Dec-12			Not complied	Awaiting outcome of PFMT presentation.
2	CB/ENC/12/0199	Plots 1 & 2 The Stables, Gypsy Lane, Little Billington, Leighton Buzzard LU7 9BP	Breach of Condition Notice Condition 3 SB/TP/04/1372 named occupants	15-Oct-12	15-Oct-12	12-Nov-12			Not complied	Awaiting outcome of PFMT presentation.
3	CB/ENC/12/0508	Land at Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH	Enforcement Notice- Unauthorised creation of new access and erection of gates.	17-Nov-14	15-Dec-14	15-Mar-15 & 15-June-15			Not complied	Legal advice being sought as to next steps.
4	CB/ENC/12/0521	Random, Private Road, Barton Le Clay, MK45 4LE	Enforcement Notice 2 - Without planning permission the extension and alteration of the existing dwelling on the land.	24-Aug-15	24-Sep-15	24-Mar-16 & 24-June-16		04-Apr-17	Not complied	Revised scheme for flat roof modifications to the dwelling approved CB/17/02434/FULL. Enforcement Notice still in effect and compliance period has expired. Property owner has confirmed that approved 2017 scheme is to be carried out and that the 2016 approved scheme( the subject of the condition appeal) is not to be progressed. The demolition of the pitched roofs to ensure the retained structure accords with the 2017 approved scheme will also be in line with enforcement notice requirements. The timing of the work is not yet known so discussions with Legal continue re non compliance with the Enforcement Notice.
5	CB/ENC/12/0633	Land at Plot 2, Greenacres, Gypsy Lane, Little Billington, Leighton Buzzard. LU7 9BP	Enforcement Notice - construction of timber building and the laying of hard standing.	17-Jan-13	14-Feb-13	14-Mar-13			Not complied	Awaiting outcome of PFMT presentation.

Appendix A

## Planning Enforcement formal action (DM Committee 16th August 2017)

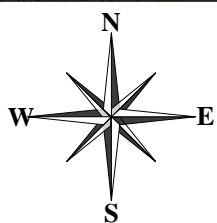
	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
6	CB/ENC/13/0336	The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX	2 Enforcement Notices - 1. Change of use from agriculture to a mixed use of agriculture, residential and retail sales and 2. building works for commercial purposes	11-Jul-14	15-Aug-14	15-Oct-14	Appeal dismissed.	02-May-17	Part complied	Residential use ceased but internal fittings associated with residential use require to be removed. Lawful development certificate application for the building works carried out approved (CB/17/02161) Proposed lawful use application re residential use (CB/17/02162) refused. Prosecution report to be up-dated.
7	CB/ENC/14/0485	Clifton House and outbuildings, Church Street, Clifton, Shefford, SG17 5ET	Repairs Notice - Listed Building in state of disrepair	08-Jan-15	08-Jan-15	08-Mar-15		08/04/2015	Not complied	Discussions to be held to consider options given progress to date.
8	CB/ENC/15/0140	Springbank, Bottom Drive, Eaton Bray, LU6 2JS	Enforcement Notice - Unauthorised wall	09-Nov-15	08-Dec-15	08-Feb-16	Appeal decision - Enforcement Notice upheld	27/09/2016	Not complied	Awaiting date for court case.
9	CB/ENC/15/0260	Gravenhurst Lane/A6, Silsoe	Section 215 notice - untidy land and buildings  Enforcement Notice - material change of use to a caravan site with the stationing of two static mobile homes	06-May-16  07-Apr-17	08-Jun-16  08-May-17	08-Jul-16  08-Jul-17 08-Aug-17	  Appeal received 26/04/17		Part complied	Part compliance with the Section 215 Notice. Tyres and scrap removed.  Enforcement Notice has been placed on hold pending start letter from the Planning Inspectorate.
10	CB/ENC/15/0423	Land at, Astwick Road, Stotfold	Injunction served 22nd September 2015, continuation injunction served 5th October 2015 for unauthorised development for Gypsy and Traveller site.  Enforcement Notice served 11/12/15	11-Dec-15	11-Jan-15	11-Jul-16 11-Oct-16	Appeal dismissed	02-Mar-17 02-Jun-17	Part complied	Continuation of Injunction granted 5/10/15 to prevent further unlawful development. Planning application refused.  Injunction remains in place to prevent further development. Enforcement Notice remains in effect. Waiting to hear from the Planning Court for the outcome of owner's application for permission to bring a judicial review claim in respect of the Council's refusal to consider the latest planning application. Once received Legal will advise how to proceed. The mobile home has been removed, one touring caravan still on site -31/07/17.

## Planning Enforcement formal action (DM Committee 16th August 2017)

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
11	CB/ENC/15/0466	Land at 13 Icknield Street, Dunstable, LU6 3AD	Enforcement Notice - the installation of a dormer	30-Nov-16	28-Dec-16	28-Jun-17				Schedule of works agreed to resolve breach of planning control. Enforcement case to remain open until works complete.
12	CB/ENC/15/0530	47 Hitchin Road, Stotfold, SG5 4HP	Section 215 Notice - untidy land	31-Aug-16	30-Sep-16	30-Oct-16			Not complied	Section 215 Notice not complied with. Lawful use certificate application submitted for parking of vehicles and use of rear garage for car repairs (CB/17/02115/LDCE) awaiting to be determined. Prosecution file with Legal to consider whether to take formal action.
13	CB/ENC/15/0542	Land at Honeywicke Cottage, Honeywick Lane, Eaton Bray, Dunstable, LU6 2BJ	Enforcement Notice - Material change of use from agriculture to use for Class B8 storage as a scaffolding contractors yard and the laying of hardstanding.	10-Feb-16	10-Mar-16	10-Sep-16 10-Oct-16	Appeal dismissed	19-Jan-17	Not complied	Council challenge against Planning Appeal decision to allow the change of use has now been lodged. All action held in abeyance.
14	CB/ENC/16/0016	Grooms Cottage, 5 West Hill, Aspley Guise, MK17 8DP	S215 Notice - Building in state of disrepair	16-Nov-16	16-Dec-16	16-Mar-17			Part complied	Works are being undertaken at present in order to comply with the S.215 Notice.
15	CB/ENC/16/0170	Car Park, The Pack Horse Public House, Watling Street, Kensworth	Enforcement Notice - Material change of use of the land from car park to use for vehicle sales, storage, repairs and the siting of a touring caravan.	20-Apr-17	18-May-17	18-Jul-17			Not complied	Report to be prepared for Legal.
16	CB/ENC/16/0216	Falcons Field, Lower Rads End, Eversholt, MK17 9EE	Enforcement Notice - Unauthorised construction of a tree house	08-Mar-17	08-Apr-17	08-May-17	Appeal received 28/03/17			Still awaiting details from The Planning Inspectorate with regard to the appeal against the Enforcement Notice.
17	CB/ENC/16/0265	Four Winds Industrial Estate, West End, Haynes, MK45 3QT	Enforcement Notice - Material change of use for the stationing of mobile homes and caravans for residential purposes.	15-May-17	15-Jun-17	15-Jul-17 15-Aug-17			Complied	Three caravans used have been removed from the land. The remaining caravan last used as an office and disused for some time has been in its current position for a period exceeding 10 years and so no further action can be taken. The enforcement case has now been closed.

**Planning Enforcement formal action (DM Committee 16th August 2017)**

	ENFORCEMENT CASE NO.	LOCATION	BREACH	DATE ISSUED	EFFECTIVE DATE	COMPLIANCE DATE	APPEAL	NEW COMPLIANCE DATE	RESULT	NOTES/FURTHER ACTION
18	CB/ENC/16/0328	52 The Ridgeway, Flitwick, MK45 1DJ	Section 215 - Untidy Land	03-Oct-16	03-Nov-16	03-Dec-16		02-Jul-17	Not complied	S.215 Notice has not been complied with despite previous successful prosecution. Follow up case to be submitted to LGSS for further prosecution.
19	CB/ENC/16/0331	Rear of Grange Nurseries, The Green, Beeston, SG19 1PG	Enforcement Notice - Unauthorised change of use from agriculture to use for the parking and storage of military vehicles, trailers, containers, structures, associated paraphernalia and the installation of a septic tank	03-Jul-17	03-Aug-17	03-Sep-17				Check compliance 03/09/17
20	CB/ENC/16/0534	Lynmore House, Sharpenhoe Road, Sharpenhoe, MK45 4SU	Breach of Condition x2 - Closure of access.	22-Jun-17	22-Jun-17	22-Jul-17				Compliance check to be made with regard to details being submitted to Highways for the closing off of the access.
21	CB/ENC/16/0548	2 Hockliffe Road, Leighton Buzzard, LU7 3FN	Enforcement Notice - Unauthorised change of use, taxi business.	12-Jan-17	12-Feb-17	12-Mar-17	Appeal received 09/02/17			Appellant has now removed ground (a) appeal that planning permission should be granted and so will await decision from Planning Inspectorate
22	CB/ENC/16/0584	63 Katherine Drive, Dunstable, LU5 4NP	Enforcement Notice - Unauthorised change of use to gym	30-Jun-17	28-Jul-17	28-Aug-17				Check compliance 28/08/17
23	CB/ENC/17/0235	New Spring Farm, London Road, Biggleswade, SG18 9SZ	Unauthorised Advertisement							File sent to legal to consider prosecution action with regards to the unauthorised advertisement.
24	CB/ENC/17/0328	Shefford Lower School, School Lane, Shefford, SG17 5XA	Temporary Stop Notice - Unauthorised further demolition and development	20-Jul-17	20-Jul-17	17-Aug-17				Notice ceases to have effect on 17/08/17



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Date: 05:May:2017

Grid Ref: 502298; 222178

Application No.  
CB/16/02972/FULL

Scale: 1:5000

Former Dukeminster Estate, Church Street, Dunstable

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<b>Item No. 6</b>
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<b>APPLICATION NUMBER</b>	<b>CB/16/02972/FULL</b>
<b>LOCATION</b>	<b>Former Dukeminster Estate, Church Street, Dunstable</b>
<b>PROPOSAL</b>	<b>Erection of 270 dwellings with parking and associated works.</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Icknield</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs McVicar &amp; Chatterley</b>
<b>CASE OFFICER</b>	<b>Donna Lavender</b>
<b>DATE REGISTERED</b>	<b>18 July 2016</b>
<b>EXPIRY DATE</b>	<b>25 November 2016 (Extension of time Agreed)</b>
<b>APPLICANT</b>	<b>Persimmon Homes North London</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major Application that is a departure from the Development Plan</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application – Recommendation for Approval subject to the completion of a S106 agreement</b>

#### **Reason for Recommendation**

The proposed development would result in the efficient re-use of previously developed land and is considered to be in accordance with local and national policy and there are no matters of detail that weigh against the grant of planning permission. The submitted viability assessment fully demonstrates that the development cannot deliver full contributions due to viability issues and given those constraints an acceptable level of affordable housing and proportionate contributions have been secured. The proposal would have an impact on the character and appearance of the area however this impact is not considered to be demonstrably harmful. The proposal, as amended, is also considered to be acceptable in terms of highway safety and neighbouring amenity and therefore accords with Policy BE8 of the South Bedfordshire Local Plan Review and the Council's adopted Design Guidance (2014).

#### **Site Location:**

This site comprises the 4.65 ha. central and northern part of the 6.5 ha. Dukeminster Estate together with the estate road to Church Street (0.35ha.). This was until recently a commercial enclave on a rectangle of land half a mile east of Dunstable town centre with a long history of commercial use.

The Estate sits off the northern side of Church Street and the land was levelled in the past by forming embankments up to 5m high to part of the north and west sides. The embankments were planted resulting in a mature wooded bank on these frontages overlooking flats and houses in The Mall, Kingsway and Bernards Close. Part of the eastern boundary has an area of undergrowth, with young trees on a bank falling to the Busway. The White Lion Retail Park and Sainsburys superstore lie beyond to the east. To the south, the main site adjoins a care home and an Extra

Care scheme, Priory View. Access to the application site is off Church Street which runs between these two developments.

All the commercial buildings which stood on the site have now been demolished and work is underway on construction of the consented residential scheme.

The 1973 Tree Preservation Orders protect (a) trees in an Area which includes the bank towards the NW corner of the site and (b) individual trees at the foot of the bank to the rear of Scott's Court, Kingsway, and Earls Court, The Mall.

### **The Application:**

The application represents an amendment to a previously approved scheme for the erection of 170 dwellings. The proposed scheme is described as 270 units; however the total number of dwellings would be 314 if permission was granted. The apparent discrepancy reflects the nature of the application which seeks to amend only parts of the approved scheme resulting in 44 units from the approved scheme being retained.

The revised scheme has changed the mix of units away from a house led scheme with a modest number of flats to a flat led scheme with a number of dwellings. The dwelling mix has moved away from larger units to a focus on smaller units. The proposed dwelling mix would be 128 houses and 186 flats. The flats are either 1 or 2 bedroom units with the houses being 2 or 3 bedroom units.

The general road layout and open space provision reflects that of the previously approved scheme although there have been a number of amendments made to respond to comments from consultees and local residents.

The application is supported by a comprehensive suite of documents including:

- Geotechnical Ground Investigation
- Street scenes
- Sustainability report
- Environmental Noise Assessment
- Residential Travel Plan
- Transport Assessment
- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Landscape Management Plan
- Ecology Statement
- Financial Viability Assessment
- Road Safety Assessment

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (March 2012) & National Planning Practice Guidance (November 2016)**

Section 4 - Promoting sustainable transport

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring good design

Section 8 - Promoting healthy communities

Section 10 - Meeting the challenge of climate change, flooding and coastal change



Section 11 - Conserving and enhancing the natural environment.

**South Bedfordshire Local Plan Review Policies**

BE8 Design Considerations

E1 Main Employment Areas

H2 Making provision for housing vis 'Fall-in' sites

H3 Local housing needs

H4 Providing Affordable Housing

R10 Children's play area standard

R11 New urban open space

T4 Public transport services along the former Luton/Dunstable rail line

T10 Controlling parking in new developments

SD1 Keynote sustainability policy.

*(Due weight can be given to relevant policies in existing plans according to their degree of consistency with the NPPF. It is considered that Policy BE8 is consistent with the Framework and carries significant weight. However, Policy T10 carries less weight.)*

**Development Strategy**

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

**Supplementary Planning Guidance and other documents**

1. Central Bedfordshire Design Guide (September 2014)
2. Dunstable Town Centre Masterplan, May 2011
3. Managing waste in new developments SPD

Other relevant documents

- Luton to Dunstable Railway CWS
- Borough of Dunstable Tree Preservation Order No.1 1973
- Borough of Dunstable Tree Preservation Order No.2 1973

**Relevant Planning History:**

CB/15/03052/RM      Application for approval of reserved matters for the development of 170 dwellings with car parking including garages, internal access roads, public open space including play areas, landscaping, drainage and other related infrastructure pursuant to outline planning permission CB/13/01368/OUT. The outline planning application was not EIA and was not accompanied by an Environmental Statement.

CB/13/01368/OUT      Outline Permission. The demolition of all buildings on the site and redevelopment for up to 170 residential dwellings together with improvements to the existing access road,

associated vehicular parking and landscaped areas.

SB/OUT/06/0884	Appeal permission expired - Residential development for up to a maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to a maximum of 300m2 of Class A1 floorspace and up to a maximum of 520m2 of Class D1 floorspace.
CB/11/02380/FULL	Resolved to Grant - Demolition of all existing buildings and redevelopment for up to 172 residential dwellings together with 300m2 (gfa) of Class A1 retail space and 513m2 (gfa) of Class D1 accommodation. Section 106 Agreement not signed.
CB/11/03053/DEM	Demolition consent for removal of buildings.
CB/11/04497/OUT	Resolved to Grant - Demolition of all buildings on the site and redevelopment for a mixed use scheme for up to 203 residential dwellings together with a 75 bed care home, 568m2 (gfa) Class A1 retail space, 505m2 (gfa) Class A2 financial and professional services or Class 3 restaurants and cafe space, 555m2 (gfa) Class D1 non residential institutions space, 783m2 (gfa) Class B1 business space together with associated vehicular parking and landscaping areas. Section 106 Agreement not signed.
CB/12/01114/SCN	Screening Opinion for current proposal - Not EIA Development.
CB/13/00710/FULL [land to south-east of site]	Permission - New build Class C2 care home facility and upgrade of existing access road.
CB/13/01276/FULL [land to south of site]	Permission. Demolition of all existing buildings on the site and redevelopment for the construction of 83 Extra Care Flats for Older Persons with communal areas, support facilities and retail unit.

### **Consultees & Neighbours:**

Additional consultation has taken place in respect of the amended proposals and the consultation period for this expired on the 28/07/17.

### **Town Council:**

Dunstable Town Council (31/08/16) (*Verbatim*) - Members were satisfied with the overall layout of the estate including the number of parking spaces and the number and type of properties. Members expressed concern about the single vehicle access arrangements to the site from Church St and in particular questioned the capacity and vehicle control arrangements taking account of the increased number of vehicles associated with the development alongside the existing vehicle volumes

associated with the Priory View care home. Members asked that CBC be requested to review the suitability of these access arrangements at the Church St junction entrance.

Members suggested that a footpath link be created near or adjacent to the L.E.A.P. to provide access to the guided busway and the nearby local bus stop.

Previous comments made regarding the landscaping proposals contained within the outline planning application CB/15/03052/RM remain unchanged where still relevant.

**Further to amendments, additional comments were received on 28/07/17:**

The Special meeting of this Sub-Committee had been called to ensure that the Council's comments could be submitted to Central Bedfordshire Council by the closing date of 28 July 2017.

The Sub-Committee received representation by the Chair of the Priory View Residents Association, Margaret Luther, who had no objections to the application being considered for amendments to Block 2 and Block 3 of the development. However the residents of Priory View had raised objections to the proposals for Block 1.

The Chairman reminded Members that the Sub-Committee had considered the original planning application in August 2016 and raised no objections but had expressed concern about vehicular access arrangements.

It was apparent that the changes to Block 1 had been agreed under Reserved Matters and had not been considered by this Sub-Committee.

Having considered the residents representation, Members expressed the view that Priory View was a first class independent living accommodation which they did not wish to be spoilt by this development.

**RESOLVED:** that the following comments be submitted to Central Bedfordshire Council in respect of this application:

- i) No objections to the proposed amendments to Blocks 2 and 3, however
- ii) having heard the residents passionate representation

regarding Block 1 which was proposed to be a four-storey with gable roof, decreasing to three-storey nearer to Priory View, the Sub-Committee supported their view and believe that this is too high in relation to the proximity to Priory View

iii) that Councillor Sid Abbott attend the CBC Development Committee meeting on 16 August and speak on behalf of the Council.

**Internal Consultees:**

CBC Housing Development Officer (09/08/16, 06/12/16 & 23/05/17)

Application now proposes an element of affordable housing through intermediate tenures (shared ownership and starter homes) despite submission of viability demonstrating zero affordable housing can be provided on site. The submitted viability was independently assessed and verified which broadly agreed with the findings from the submitted viability. Whilst the addition of an element of affordable housing has been incorporated into the scheme, am not inclined to offer support to the revised application. The intermediate tenure units will not be providing affordable units for those in the greatest housing need. The Strategic Housing Market Assessment indicates the overarching requirement in Central Bedfordshire is for affordable rented housing (73% of all affordable units from qualifying sites). It would be preferable for the scheme to incorporate the provision of less affordable units than the quantum proposed through intermediate tenures with the provision of affordable rented housing, which will provide affordable housing for those in the greatest housing need.

CBC Integrated Transport (21/11/16) -

No comment.

CBC Ecology (05/12/16 , 31/08/16, 20/04/17, 25/05/17 & 27/07/17) -

No objection. Welcome references to biodiversity and the need to give consideration to bats and birds when undertaking works. Also welcome the planting/seed mix.

Amended proposals: Having looked at the new landscape drawings, concerned about the wet pour ground treatment for the LEAP in the NE corner of the site. Not clear if this is the new artificial sett or the original main sett. Intensified Scheme Ecology Letter is dated June 2016 so is almost 1 year old and hence does not relate to the current situation on site. Understand the NE licence has been extended but no information relating to this extension has been provided. Equally no method statement has been

submitted to evidence how works will proceed without causing harm to the badgers on site. Given the protracted process of this application and the fluid nature of badger habitation would expect an updated assessment of badger activity and potential impacts to be provided.

CBC Highways Officer  
(30/09/17, 11/10/16,  
27/03/17 & 26/05/17)

Recommendations made for the commissioning of a safety audit which should inform any appropriate amendments to the access to the site and any highway safety mitigation.

On receipt of the safety audit and on the advice of the Councils Highways Officer, a revised access plan demonstrated more appropriate alignment, visibility and pedestrian refuge points were supplied.

Within the revised drawing number 14.100.1.101.2 Rev12 there is an additional 19 spaces provided which now means that there is a total under provision of 23 spaces.

While there could be an argument for general under provision and this could be supported by the residential parking research document produced by Community and Local Government, I would not support an application where there is an under provision of visitor spaces to this level.

While in the location I would be willing to support an application that does not meet the authority standard; in relation to visitor spaces the applicant should be urged to make alterations to provide additional visitor spaces to meet the authority standards,

In relation to the other minor alterations within the reconsultation; these matters do not relate to highway matters.

Accept the proposals shown on drawing number 17178-002 Rev. A subject to a Road Safety Audit.

CBC Strategic Landscape  
(16/08/16,07/12/16,  
09/12/16, 22/03/17 &  
24/05/17)

No Objection, however offered recommendations. The visitor parking bays at the main access to the development would benefit from the inclusion of street tree / trees within a build out to define the parking area, assist in traffic calming and also contribute to a landscape / green 'gateway' to the site.

The higher density housing to the southwest of the site appears to include very limited communal green space

therefore it is recommended that more opportunities for additional 'community greens / pockets parks' with attractive landscaping and seating in this area of the development be considered.

A footpath and cycle access at the northern point of the site would increase permeability of the development and offer residents access to the bus way and wider 'green' public open spaces, promoting recreation opportunities and health.

In addition a request was made for a landscape management plan which was received on 02.05.17.

No additional comments on the amended plans.

CBC Public Art (27/07/16 & 09/12/16) -

Central Bedfordshire Council actively encourages the inclusion of Public Art in new developments and looks to developers / promoters of sites to take responsibility for funding and managing the implementation of Public Art either directly or through specialist advisers and in consultation with Town and Parish Councils and Central Bedfordshire Council.

If the application were to be approved it is requested a Condition be applied to secure a public art plan.

CBC Sustainable Growth (15/08/17, 28/11/16, 09/03/17, 12/05/17 & 24/07/17) -

Additional information was requested on how sustainability standards required by policy would be met. A sustainability statement was supplied on 02.05.17 for consideration.

The submitted Energy Statement proposes 10% emission rate improvement over current Building Regulation Standards. This approach is acceptable and the following planning conditions should be attached:

- 10% energy demand of the development to be delivered from renewable or low carbon sources;
- Water efficiency to achieve water standard of 110 litres per person per day.

CBC Trees and Landscape (06/12/16, 10/04/17 & 15/05/17) –

No objection to the application on the provision that tree protection conditions are imposed. The areas of "No Dig" construction, being used for pathways and other hard standing areas, should be based on a three dimensional cellular confinement system, and fully supported by an Arboricultural Method Statement, and an amended "Tree Protection Removal Plan". This will

ensure that the fibrous rooting system and rooting medium of these trees are fully protected from excavation and compaction damage, in order to ensure their long-term health and stability.

CBC Sustainable Transport  
- Travel Plan Officer  
(10/08/16) -

There are some amendments required. It would also be useful to see a plan of the proposed direct pedestrian/ cyclist access to the busway as this will be a key component to the success of the measures put lined in the plan.

The plan, as per the previous application will need ongoing implementation and monitoring secured via an appropriate condition.

Urban Design Consultant  
(02/12/16 & 17/03/17) -

Lack of street trees, particularly in front of apartment blocks 12 (plots 445-461) (plots 410-424, 383-397)

Ground floor garden spaces should not be provided on the street frontage. Private garden space should be provided to the rear of the building. An alternative to private gardens would be an area of communal space.

Bin/cycle stores and undercroft parking provide inactive ground floor frontages to the street within the apartment blocks.

Recessed or cantilevered balconies (rather than those supported by an external frame) would add more interest to the apartment elevations.

The relationship of apartment blocks 5, 9 and 8 to adjoining dwellings needs addressing. They should step down from four to three storeys where they adjoin 2 storey dwellings.

Flat blocks 8 and 9 frame the main square, which is a key space within the scheme should be brick rather than render. Buildings should animate the square but the central part of the elevation is weak with an inactive ground floor.

CBC Waste Services  
(07/12/16 & 24/03/17) -

Raise no objection in principle but give detailed advice on the required level of bin provision and requirements for storage and collection points which could be secured through condition.

CBC Green Infrastructure  
(15/06/17) & (17/07/17) -

The levels of open space provision on the development site should be checked against the Leisure Strategy standards. We would expect that the development delivers the required quantity of open space on site in the first instance. If this is not possible,

contributions would be required to enhance or extend existing open spaces. N.B. Refer to S106 obligations.

CBC SuDS Team  
(21/03/17) -

We are unable to recommend the application CB/13/01368/OUT for approval until details have been received to demonstrate that condition 12 and 13 of CB/15/03052/RM have been satisfied.

Details to discharge the conditions under the RM application were submitted to support this application on 02.05.17.

CBC Countryside Services  
(26/08/16 & 19/12/16) -

Concerns expressed over the lack of open space provision and the a direct impact on existing Countryside Sites, it is just over 1000mtrs to Walk/Cycle to Houghton Hall Park to engage in educational/countryside activities. it is also noted that the Residential Travel Plan makes no reference to visiting the nearest park space at Houghton Hall Park. Furthermore concerns expressed about the visual view of the landscape in particular to the north east boundary overlooking the Guided Busway.

CBC MANOP (Meeting the  
Needs of Older People)  
Officer (19/08/16) -

Request that the needs of older people are addressed and considered in the assessment of the application.

CBC Pollution Officer  
(12/08/16, 02/12/16 &  
25/05/17) –

No Objection, subject to the imposition of conditions to secure a phase 4 validation report in respect of remediation and an updated noise mitigation scheme.

CBC Public Sector Housing  
(05/05/17) –

No comments to make.

**External Consultees:**

Natural England  
(05/08/16 , 18/05/17 &  
13/07/17) -

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Landscape enhancements.

Highways England  
(15/08/16, 05/05/17 &  
20/07/17) –

No objection.

Anglian Water

Raise no objection subject to the imposition of conditions



(06/09/16) - to secure a foul water strategy and surface water management.

Environment Agency  
(18/08/16) - The proposed development site appears to have been the subject of past industrial activity which poses a high risk of pollution to controlled waters and as such planning conditions may be deemed necessary by the Local Lead Flood Authority and/or CBC Pollution Team in terms of mitigating any risk of contamination to controlled waters.

Sports England  
(29/07/16 & 09/05/17) - No Comments

### **106 Sustainability Mitigation Obligations:**

CBC Education Officer  
(08/03/17) & (31/07/17)- Has requested contributions towards the delivery of additional education facilities arising from the development.

CBC Leisure Officer  
(23/09/16 , 19/12/16,  
13/04/17 & 21/07/17) - The development generates a requirement to provide on and off site open space totalling 5.4ha. Both Countryside Recreation and Informal Recreation would be made off the development site in the form of creation or improvements to existing facilities.

Children's Play/Teenagers - a development of this size should provide on-site play provision of: 1 NEAP play area plus 2 LEAP / LAP combined play areas. The proposed onsite LEAP and 2 LAP play areas falls below the standard required for the development, and the equipment proposed previously (below) is unsuitable.

As an alternative to onsite play facilities the developer may wish to provide a contribution toward enhancement of existing play facilities locally.

As no onsite outdoor sport would be appropriate on this development, a contribution of £85,311 is sought toward Dunstable Town Council's project to upgrade the sports changing pavilion at Kingsbury Park, which accommodates football and bowls pitches/facilities, based on the Sport England Playing Pitch Calculator. In addition a £70,000 contribution towards an offsite NEAP.

### **Other Representations:**

Neighbours One letter has been received from a resident of Priory View which raises no objection to the application.

54 letters have been received from residents of **Priory View, Bernard Close and Kingsway** which raise objection on the following grounds to the original and amended proposals (in summary):

- Overlooking.
- Invasion of privacy.
- Extra traffic /pollution onto an already very congested road.
- Loss of trees.
- Boundary fences which are in a poor state of repair.
- Existing health problems would be exacerbated by construction works and increased pollution.
- 600 extra cars, vans, lorries would travel up and down the access road.
- Miss selling of property.
- Over Development.
- Site is much higher than Kingsway.
- High rise buildings should be located away from existing dwellings.
- Site hoarding should be retained to provide privacy.
- Branches have already been removed from protected trees.
- Junction with Church Street would be over capacity with associated severe congestion and highway danger.
- Loss of light.
- Adverse impact on the gardens to Priory View.
- Disturbance during construction works.
- Too many new homes are being built in the area.
- Nobody will want to live in Priory View after the new development is carried out.
- Amended flat blocks 1 and 2 will still remain 4 and 5 storey respectively when you include the height of the gable roof and will still cause overlooking, loss of daylight, not just in the mornings and evenings and loss of privacy.

- Limited sunlight will have an adverse effect on quality of life and health, particularly those with vitamin deficiencies and depression. Many residents are unable to travel from the Priory View garden area which would no longer be therapeutic and is a focal point for the community.
- Still object to the scale and mass of the development at the rear of Priory View.
- Highways report does not take account of increased volume in traffic.
- How can the builders know what they are building if the plans keep changing?
- Blocks 1 and 2 should be replaced with housing.
- Detrimental impact on air quality from additional traffic.
- The CB Design Guide at para 5.02.03 explicitly refers to two storey structures and suggests that three storey and above heights would require an increase in distance which will not overcome overlooking if 4 storey.
- It is misleading to directly compare 'pitched roof' structures with those having 'flat roofs'.

**Additional comments received on amended plans (in summary):**

- Relocation of Flat Block 2, positive outcome.
- More sensible locations for Flat Block 1 which remains in unreasonable close proximity to Priory View.
- Privacy, loss of light & overbearing impact concerns as a result of Flat Block 1.
- Concerns over health due to extra construction.
- Increased traffic generation.

A petition of objection signed by 71 residents and 7 visitors to Priory View has been received which raises objection on grounds of:

- Loss of light.

- Overlooking.
- Shading of landscaped garden.
- Increased noise.
- Increased traffic volumes adding to existing levels of congestion.
- Increased pollution.
- Severe disruption to residents.
- A northern exit road should be created.
- Taller dwellings should be located away from existing dwellings; the layout plans should be turned around.

#### **Determining Issues:**

The main considerations of the application are;

1. **Principle of Development**
2. **Affect on the Character and Appearance of the Area**
3. **Neighbouring Amenity**
4. **Highway Considerations**
5. **Other Considerations**

#### **Considerations**

##### **1. Principle of the Development**

NPPF paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'. In the local context, the site falls within the town of Dunstable. Dunstable is designated as a town which is considered to be a sustainable location for planning purposes and wherein the principle of new development is considered acceptable.

The principle of development for residential on this site was established with the grant of Outline planning permission, and subsequent approval of reserved matters for the demolition of all buildings on the site and re-development for 170 dwellings. This planning permission remains extant and as such is material to the consideration of this application.

Since the original grant of planning permission the NPPF has been published and there have been other changes such as the CIL Regulations; however, none of these changes mitigate against the principle of a residential development on this site.

Accordingly there is no objection to the principle of residential development on this site. A residential reuse would make a positive contribution towards urban regeneration and the supply of land for housing with effective use of the

available land and is therefore considered acceptable in principle and accords with national advice and Local Plan housing policies. It is also accepted and agreed that the site is previously developed land and so the principle of the use of the site for residential development is therefore acceptable, subject to other considerations such as design, amenity and highway which are considered later in this report.

This full planning application has been considered in relation to the EIA Regulations (2011) as amended March 2014 and it is felt that no further information is required to be submitted in this respect.

## **2. Affect on the Character and Appearance of the Area**

### Appearance and Scale

The scale of development has increased significantly since the original approval; however, this has also reflected a change in the mix of proposed dwellings with a much greater emphasis on flats. The change in mix and numbers has also resulted in an increase in the height of the development with several four storey flat blocks included.

There is a mix of terraced units with some semi-detached properties and a significant presence of flats proposed. Building materials are mainly brick with some render and timber cladding used to create interest and variety. The materials generally reflect those found in the new developments to the south of the site.

In terms of overall scale, the development would not be out of character with the care home and extra care building which are two and a maximum of five storeys high respectively. The heights of the buildings vary within the development and amendments have been made to ensure that there is a progressive transition between the different building heights to create an interesting but balanced street scene.

There have been other revisions to the development to remove areas of undercroft parking and replacement with flats to animate the street frontage. The materials treatment of the proposed blocks has been revised to create more visual interest and break up the mass and bulk of the flat blocks. The proposed layout conforms to established good principles of design by respecting key groupings of buildings, street design, set backs, boundary treatments, parking typologies and materials.

As such, following the revisions to the scheme, it is considered that, the development would complement the character and appearance of the surrounding area.

### Layout & Legibility

With regards to pedestrian access, a network of footpaths would be constructed within the site and linkages would be provided through the north eastern and north western boundaries to the busway and The Mall respectively as with approved scheme.

The majority of private outdoor space for flats is provided as balconies with limited communal garden space and houses would be served by rear gardens

which, in most cases, comply with the CBC Design Guide. Given the site's proximity to public open spaces within walking distance of the Priory Gardens and the Grove park and the on site play area provision (detailed below); it is considered that the amenity space provided would be acceptable.

#### Landscaping

To soften the appearance of the development within the site, trees would be planted on the sides of roads. Additional planting would be introduced along the north eastern boundary to provide a buffer with the busway. A detailed landscape strategy covers the whole site and includes two Local Areas for Play (LAP) one situated at the site entrance and another on the north western edge of the site. In addition, a LEAP would be provided on the north eastern corner of the site. The details of landscaping submitted are considered acceptable.

Subject to appropriate conditions, the proposed development would therefore make a positive contribution to the locality and hence would not conflict with the aspirations of the Outline Planning permission and policies BE8 of the South Bedfordshire Local Plan Review (SBLPR) and national advice within the National Planning Policy Framework (NPPF).

### **3. Neighbouring Amenity**

The objectors have raised a number of issues in their representations; many of the points have been addressed above, however, the following points address some of the specific issues raised regarding amenity.

Concern has been raised over loss of light and overshadowing particularly for the Priory View development due to the relationship of Flat Block 2 to the existing development. The scheme has been revised by removing Flat Block 2 entirely and replacing the built form in this location with two storey dwellings as previously approved under the extant reserved matters application under reference CB/15/03052/RM, as such removing the perceived impact on the Priory View residents.

The layout of the remaining Flat Block 1, position of windows and their balconies to the rear of the Extracare facility have been amended to reduce the likely impact of any overlooking. Concerns were expressed by residents that Block 1 would result in overbearing impact on Priory View due to its proximity to the shared boundaries. However this block in terms of its siting and up to a height of three storey (with pitched roof) was approved under the previous reserved matters application as detailed above. The revisions secured during the life of the application, reduced the proposed four storey nature of this block 1 building back down to three storey (with pitched roof) adjacent to the shared boundaries which is consistent with their previous and extant permission. As such, it is considered that the impact of this proposed development would be no greater than the previously approved and extant permission.

A minimum separation of 20 metres is proposed between the now proposed two storey dwellinghouses (previously the location of Flat Block 2) and Priory View in accordance with the Councils Technical Design Guidance and as such, the revised proposal would not give rise to overbearing impact nor mutual overlooking to an unacceptable degree.

An approximate 10 metre depth buffer surrounds the north and western boundaries shared with other additional residential properties in Bernard Close, Kingsway and The Mall. This separation, including the rear garden spaces of the existing properties adjacent to the shared boundaries with the site, which are excess of 10 metres in depth, makes for an adequate separation that would not give rise in amenity concerns in terms of mutual overlooking or overbearing impact to this local residents.

Concern has been expressed about health impacts arising from the development. The issues raised around dust and noise will relate to the construction phase of the development and will greatly reduce once the development is fully occupied. The greatest impact will, therefore, be relatively short lived. Any nuisance that may arise would be covered by other regulations and addressed by the Councils Public Protection Team. Whilst the concerns raised by the objectors are fully understood they do not represent grounds to resist the current revised scheme and furthermore some of these concerns can be addressed through a Construction Management Plan condition.

The Councils Public Protection Officer acknowledges that dwellinghouses have been sited in order to minimise noise disturbance however the original noise report was conducted in 2011 prior to the busway becoming operational and prior to changes on the White Lion Retail Park and no noise attenuation scheme has been updated and supplied with the application and therefore this would need to be secured through condition.

A bin collection scheme in terms of storage and collection points have not been supplied for consideration however there is sufficient space within the layout to allow for these provisions and as such this matter can also be secured through condition.

In terms of amenity space for future occupiers, each bedroom space meets either the minimum standards which are conveyed within the Central Bedfordshire Design Guide or statutory limitations under the Housing Act. Furthermore, the garden space for each dwellinghouse would meet external standards conveyed within the same technical planning guidance. There is a 20 metre or more in some instances, separation between the back to back of each dwellinghouse to ensure that the development would not result in mutual overlooking concerns. Therefore the proposal would conform with policies BE8, the Central Bedfordshire Design Guide and section 7 of the NPPF requiring good design.

#### **4. Highway Considerations**

Access onto the site comes off Church Street and was established by the Outline permission, although this was for a lesser number of dwellings. The layout of the dwellings follows the road design which was previously approved and comprises two inter-linked loops which terminate in cul-de-sacs in the north eastern and north western parts of the site. Amendments have been made to this access in terms of its alignment and width to improve visibility and pedestrian access in accordance with the conclusions of a safety audit supplied during the course of the application.

A total of 512 parking spaces including garages would be provided against the

CBC requirement of 502 spaces. 63 of these would be for visitors which is 14 short of the standard for visitor spaces. Given the proximity of the site to the town centre, busway and pedestrian/cycle routes this provision is considered acceptable.

The traffic assessment and comments from the highway officer confirm that whilst there would be an increase this would not be to a level that would be unacceptable or warrant refusal of planning permission.

The Highways Officer has not wished to raise an objection to the granting of this approval subject to the imposition of conditions. Therefore it is considered that the application would conform with policy T10 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.

## **5. Other Considerations**

### **Affordable Housing Provision**

Affordable housing provision was secured through the original outline planning permission for that number of units, in the form of Priory View. A viability report has accompanied this revised full planning application which concluded that this scheme, despite the increase in unit numbers, was considered to be unviable due to the construction costs in relation to flat blocks and due to the unsuspected additional ground construction works. As such no affordable housing provision was offered on the outset of this application.

However notwithstanding the conclusions of the viability report an element of affordable housing has been proposed as the viability report over estimated the likely S106 contributions. 10 % Shared ownership and 5% Starter homes has been agreed upon by the developer for the additional units proposed by this application which is considered acceptable in light of the viability conclusions. The proposal therefore is in accordance with Section 6 of the NPPF which requires the delivery of a sustainable, inclusive and wider choice of high quality homes.

### **Contamination**

The remediation strategy submitted in pursuit of discharge of condition 11 of permission number CB/13/01368 covers this entire site and as such covers this application and was included as part of this application submission. The Council's Pollution Officer raises no objections to the proposed development subject to the imposition of a condition to secure a phase 4 report demonstrating the effectiveness of the remediation strategy and a condition that if any unsuspected contamination found through site investigation, excavation, engineering or construction works to ensure this is identified and remediated.

### **Ecology**

The Councils Ecologist and Natural England have both concluded that the proposal is unlikely to affect any statutorily protected sites or landscapes. Section 11 of the NPPF calls for a net gain in biodiversity. The references to biodiversity is welcomed including the planting/seed mix. The Councils Ecologist has recommended the provision of bat/bird boxes into the built fabric of dwellings which could be secured through condition.

An artificial badger set has already been provided to replace the original one



which was closed due to its proximity to the guided busway. The Council's ecologist has asked for an update on badger activity on site and this should help inform other works which will be required.

No further objections have been raised by the Councils Ecologist or Natural England. The proposal therefore is considered to be in accordance with the NPPF.

### **106 Obligations**

Significant weight should be given to the National Planning Policy Framework, which calls for the achievement of the three dimensions of sustainable development: economic, social and environmental. This states that developers are required to make appropriate contributions as necessary to offset the cost of providing new physical, social, community and environmental proposals. The applicant has (as stated previously) submitted a viability report to demonstrate that it is not financially viable to provide a policy compliant scheme for affordable housing. This report has been independently reviewed and whilst there have been revisions to the applicant's assessment this has not materially changed the conclusion that the development was in deficit in relation to residual land value.

Spending Officers were consulted and comments returned from Education and the Councils Leisure team whereby contributions were requested. Notwithstanding the conclusions of the viability report full education and leisure S106 contributions can be secured in addition to the affordable housing (as explored in section 5.1) the S106 package shall include:

- Education contribution (for additional 144 units): £439,456.61
- NEAP play area £70,000
- Upgrade the sports changing pavilion at Kingsbury Park: £85,311

which would form heads of terms for the legal agreement that would be required if Members resolve to approve.

### **Property Miss selling**

Property miss selling has been raised; however, this is not a material planning consideration.

### **Sustainable Growth**

Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of Sustainable Development, requiring a Sustainability Statement to be submitted with applications demonstrating a developments contribution to Sustainable Development through energy efficiency, biodiversity net gain (which is covered above) water efficiency and landscaping opportunities. This statement was submitted for consideration as part of this application. The Councils Sustainability Officer is satisfied that the development can contribute to Sustainable Development and has recommended conditions to secure its commitment and as such the development is in accordance with the NPPF in this regard.

### **SuDs**

The original outline planning permission for this site, required that a 'Surface Water Drainage Strategy which would set out the appropriateness of SuDS to manage surface water run off, including the provision of the maintenance for the

lifetime of the development which they serve would be discharged by way of condition prior to the commencement of works. However as this proposal is a standalone application, an updated drainage statement was supplied with this application. Subject to the Councils SuDs Engineer being satisfied with the content of this report which will be updated to the committee on the late sheet, it is considered that the proposal accords with section 10 of the NPPF.

**Human Rights issues:**

The proposal raises no Human Rights issues.

**Equality Act 2010:**

The proposal raises no Equality issues.

**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 brought 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 **No building shall be occupied until the junction of the proposed vehicular access within the highway has been constructed in accordance with the approved details shown on drawing number 17078/002 Rev A (Access).**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.  
(Policy BE8 SBLPR and Section 4, NPPF)**

- 19 **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.

- 20 **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.**

**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**

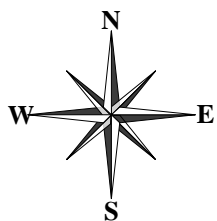
The Council acted pro-actively through engagement with the applicant at pre-application stage and during the application process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework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

**DECISION**

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Date: 01:August:2017

Map Sheet No

CB/17/01911/FULL

Scale: 1:1250

Chiltern Aquatics Centre, Westoning Road, Harlington, Beds. LU5 6PA

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## Item No. 7

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

### Summary of Recommendation

The proposal would result in the redevelopment of a brownfield site within the Green Belt in accordance with the NPPF. The proposal is considered to comply with policies in respect of access and highways, landscape, character and appearance, and neighbouring amenity. It is therefore recommended that planning permission be approved.

### Site Location:

The site is located on the north western side of Harlington within the South Bedfordshire Green Belt, adjacent to the settlement envelope. Harlington is identified as a large village within Policy CS1 of the Core Strategy and Development Management Policies for Central Bedfordshire (North).

The site has an established access from Westoning Road serving the existing business on the site (Chiltern Aquatics). The site comprises a single large footprint building which has a footprint of 880sqm, with a number of smaller outbuildings, sheds and other structures spread over the remaining area of the site. The total floorspace of built form on the site is considered to be some 1,241sqm.

To the north, the boundary is defined by a belt of leylandii trees, beyond this overgrown hedge lies an area of scrub, with pastoral fields and larger arable fields extending to the north, towards Westoning.

To the east the site is defined by the elevated embankments of the mainline railway that runs broadly north-south through the village. The embankments rise up to approximately 6m above ground level.

To the south, the Westoning Road runs broadly east to west between Harlington and Westoning. The southern side of the road is characterised by a line of detached residential properties that line the corridor to the west of the railway bridge.

An existing property lies immediately to the south west of the site, between the existing building on site and the road corridor. The property comprises a bungalow set within mature landscaped garden, which results in the building being predominantly screened from the streetscene.

To the west the boundary is defined by a native hedgerow with a number of hedgerow trees. This separates the site from an area of allotments that extend north east from Westoning Road almost up to the railway corridor.

The site is located within a gently undulating landscape.

### **The Application:**

Full planning permission is sought for the redevelopment of the site to provide 10 residential units, with associated landscaping, car parking and drainage.

The application has been supported by a full suite of documents including:

- Planning Statement
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Drainage Strategy
- Ecological Appraisal
- Arboricultural Assessment.

### **RELEVANT POLICIES:**

#### **National Planning Policy Framework (NPPF) (March 2012)**

#### **Core Strategy and Development Management Policies - North 2009**

CS1 Development Strategy  
CS2 Developer Contributions  
CS3 Healthy and Sustainable Communities  
CS4 Linking Communities - Accessibility and Transport  
CS5 Providing Homes  
CS6 Delivery and Timing of Housing Provision  
CS7 Affordable Housing  
CS13 Climate Change  
CS14 Heritage  
CS16 Landscape and Woodland  
CS17 Green Infrastructure  
CS18 Biodiversity and Geological Conservation

DM1 Renewable Energy  
DM2 Sustainable Construction of New Buildings

DM3 High Quality Development  
DM4 Development Within and Beyond Settlement Envelopes  
DM9 Providing a Range of Transport  
DM10 Housing Mix  
DM13 Heritage in Development  
DM14 Landscape and Woodland  
DM15 Biodiversity  
DM16 Green Infrastructure  
DM17 Accessible Green Spaces

## Local Plan

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

## Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

## Relevant Planning History:

<b>Application:</b>	Planning	<b>Number:</b>	CB/16/05618/PAPC
<b>Validated:</b>	08/12/2016	<b>Type:</b>	Pre-Application - Charging Fee
<b>Status:</b>	Decided	<b>Date:</b>	01/02/2017
<b>Summary:</b>		<b>Decision:</b>	Pre-App Charging Fee Advice Released
<b>Description:</b>	Pre-Application Advice re: Erection of ten dwellings and associated car parking, landscaping and infrastructure		
<b>Application:</b>	Planning	<b>Number:</b>	MB/01/01277/FULL
<b>Validated:</b>	24/08/2001	<b>Type:</b>	Full Application
<b>Status:</b>	Decided	<b>Date:</b>	27/09/2001
<b>Summary:</b>	Full Conditional Approval	<b>Decision:</b>	Full Application - Granted
<b>Description:</b>	FULL: CREATION OF VEHICULAR ACCESS		
<b>Application:</b>	Planning	<b>Number:</b>	MB/01/00605/FULL
<b>Validated:</b>	18/04/2001	<b>Type:</b>	Full Application
<b>Status:</b>	Decided	<b>Date:</b>	06/06/2001
<b>Summary:</b>		<b>Decision:</b>	Full Application - Granted
<b>Description:</b>	FULL: ERECTION OF ALUMINIUM GLASSHOUSE		
<b>Application:</b>	Planning	<b>Number:</b>	MB/97/00722/FULL
<b>Validated:</b>	27/05/1997	<b>Type:</b>	Full Application
<b>Status:</b>	Decided	<b>Date:</b>	22/07/1997
<b>Summary:</b>		<b>Decision:</b>	Full Application - Granted
<b>Description:</b>	FULL: CHANGE OF USE OF LAND FOR WINTER STORAGE OF UP TO SIX CARAVANS (RETROSPECTIVE)		
<b>Application:</b>	Planning	<b>Number:</b>	MB/97/00498/FULL
<b>Validated:</b>	14/04/1997	<b>Type:</b>	Full Application
<b>Status:</b>	Decided	<b>Date:</b>	12/08/1997

<b>Summary:</b>		<b>Decision:</b>	Full Application - Refused
<b>Description:</b>	FULL: VARIATION OF CONDITION NO.2 ATTACHED TO PLANNING PERMISSION MB/75/1586/D DATED 17/6/80 RE: AGRICULTURAL OCCUPANCY.		
<b>Application:</b>	Planning	<b>Number:</b>	MB/94/00643/LDC
<b>Validated:</b>	16/05/1994	<b>Type:</b>	Lawful Development Cert - Existing
<b>Status:</b>	Decided	<b>Date:</b>	09/09/1994
<b>Summary:</b>		<b>Decision:</b>	Lawful Dev - Existing - Granted
<b>Description:</b>	CERTIFICATE FOR LAWFUL DEVELOPMENT: USE OF LAND AND BUILDINGS AS A GARDEN CENTRE AND NURSERY SELLING PLANTS, SHRUBS, TREES, GARDEN FURNITURE, ORNAMENTS AND ACCESSORIES, TOOLS, SHEDS, PAVING AND ROCKERY STONE, SAND, BALLAST, COMPOST, PEAT, FISH AND POND PLANTS.		
<b>Application:</b>	Planning	<b>Number:</b>	MB/93/00580/LDC
<b>Validated:</b>	10/05/1993	<b>Type:</b>	Lawful Development Cert - Existing
<b>Status:</b>	Withdrawn	<b>Date:</b>	09/09/1993
<b>Summary:</b>		<b>Decision:</b>	Application Withdrawn
<b>Description:</b>	LAWFUL DEVELOPMENT CERTIFICATE: USE OF LAND AND BUILDINGS AS A GARDEN CENTRE (INCORPORATING OPEN AND COVERED GROWING BEDS, GLASSHOUSES, CAR PARK AND RETAIL SALES AREAS.		

### Consultees:

Parish Council

#### Objection

- There is not an hourly bus service or 4 different bus services to Harlington as stated, there is the no 42 (Toddington to Bedford) where only 2 buses come through the village and the No 78 (Shefford to Luton). There is no bus service suitable for work or school related travel.
- Flooding is an issue under the railway bridge as Network Rail will not sort the culvert.
- Drainage will be an issue as the land on the site is 150 ft thick Oxford Clay; any excess water will flow out onto the road adding to the other flooding issues. The current parking on the site is permeable not hardstanding as claimed, but this will obviously disappear with the new build.
- The Environment Agency has previously confirmed that the ditch belongs to the current owner of the site. Concern is expressed as to how this will be managed if it is in the ownership of multiple land owners; this is a technical issue which needs to be covered.
- The tele mast will become even more visible if the leylandii hedge is removed. Access to the mast is included in the proposals and this access will need to remain.
- The land is outside of the Settlement Envelope and within the Green Belt. The type of buildings and the inclusion of sheds and other impermanent structures to the rear of the main building and within the Green Belt, raises the question as to whether this is/only part

of it is a brownfield site.

- High sensitivity of footpath FP1 which joins the John Bunyan Trail to the north east of the site. Built form does not characterise this countryside area as claimed there is a countryside approach to the village along this road and to the rear of the site, with allotments adjacent to the site and cemetery beyond it.
- Originally the building was a nursery and a Certificate of Lawful Development enabled the current building.
- This site could have been classed as an Exception Site which could have met the needs of the village and be purely for residents ie never sold off. However, when HPC looked into this previously, it was told that 12 houses were needed but that there were no sites available. This application cannot become one for an Exception Site and thus remains market housing.
- Developer claims that the site represented limited infill in the Green Belt NPPF para 89. However this site is not within the Settlement Envelope and there is only a single detached bungalow to the north east of the site which is hidden from view. This form of backfill development is out of character to the existing houses at the entrance to the village, which consisted of a linear development of detached houses set on large sites to the opposite side of the road.
- There will be no provision for affordable houses and these cannot be requested as the site is for 10 houses and involves less than 1000 sq m internal floor space. It is felt that 3 bedroom homes will be unlikely to be affordable to local first time buyers. The provision is not compatible with the type of houses that would meet the needs of Harlington residents this would require smaller houses and bungalows on an Exception Site.
- A total of over 70 houses have either been built or are already planned for the village in recently years and this includes affordable housing, 1 and 2 bed homes, bungalows and detached houses. Therefore there is no identified need for market housing in Harlington.
- With the reduction/removal of trees and hedging on the site giving views of 2 storey buildings, the site cannot be classed as enhancing the openness of the Green belt in comparison to that which is already there, as claimed
- 24 parking spaces for 10 x 3 bed houses is considered inadequate.
- Concern is expressed about the speed of traffic entering the village just before the site entrance; children will be required to cross the road to access school or play areas in the village as no footpath

outside the site.

- The design is not considered high quality as it is cramped, lacking in parking and no variation in size and design. There is also no play facility within the development so there is a long way for families to go to reach the existing play area in the village, with several main roads to cross.
- There is an option on the land behind the proposed site which could mean access being created to more housing to the rear of this development.
- The GP surgery is only open for half a day and waiting list for appointments and there are also concerns regarding intake at the school.
- Central Beds Council has a 5.76 year land supply (April 2017) including a 5% buffer so there is no reason to permit market housing on Green Belt land outside of the Settlement Boundary of Harlington.

Highways  
Public Protection

No objection subject to conditions.

No objection subject to conditions in relation to noise (railway) and land contamination

Housing Development  
Officer

On 13th May 2016 the government won a legal challenge against a High Court ruling that quashed a national planning policy intended to exempt small sites from affordable housing obligations. This ruling has been reflected in the National Planning Practice Guidance setting out the Government's position that affordable housing and tariff-style planning obligations should not be sought for certain small developments (10 dwellings or less or 1,000 square metres of gross floor space). This is a material consideration to be taken into account in decision-making on planning applications. The weight given to this material consideration will need to be considered on a case-by-case basis and in relation to the weight of the existing Development Plan policies, which remain the starting point for consideration in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

In light of this, we would not seek affordable housing on this site.

Waste Services

No objection subject to condition

Tree and Landscape  
Officer

No objection subject to condition

Network Rail

No objection in principle subject to conditions

Managing the needs of  
older people

Older people should be considered as part of the proposal

SuDs Officer

Revised Drainage Strategy received - awaiting further comments - will be updated on the late sheet

Ecology

No objection subject to condition in relation to ecological enhancement scheme

Bedfordshire Fire and  
Rescue Services

No objection - requirement for fire hydrant provision on site



IDB  
Anglian Water

No comment to make  
No comments received

### Other Representations:

#### Neighbours

4 letters of representation have been received. 2 of which constitute objections, 1 comment and 1 support.

Objections (111 Westoning Road x2):

- drainage problems due to the thick clay layer in soil structure - problem intensified with increased surface run off
- Are there TPO trees on site?
- Concern in developing site in such close proximity to pylons and fast/ busy railway line
- inadequate pavement for pedestrians
- the exit on to Westoning Road is at a narrow pinch-point by the bridge and traffic often moves fast along that stretch
- the fact that schoolchildren will be crossing at the above point is a cause for concern
- proposed development would overlook the allotments next door and impinge on the privacy and tranquility enjoyed by allotment tenants
- high speed train limit on the adjacent railway line - create noise pollution for such nearby development. The event of a derailment would also be catastrophic if such a development went ahead.

Comment (95 Westoning Road):

- safety of pedestrians and vehicle users in the area - measures would need to be taken to reduce the speed of traffic as vehicles are constantly driving in excess of the speed limit.

Support (101 Westoning Road):

- Concern over entrance close to the bridge, these are family homes and children will be crossing the road at a very dangerous spot. Have any thoughts been given to crossing or some other method of safety.

### Determining Issues:

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. Layout
4. Neighbouring Amenity
5. Highway Considerations
6. Other Considerations

### Considerations

#### 1. Principle

- 1.1 The application site is within the South Bedfordshire Green Belt where new

residential development is considered inappropriate in accordance with paragraph 89 of the NPPF. One exception to this which is detailed in the same paragraph is *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'*

- 1.2 The NPPF defines Previously Developed Land as *'land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed) and any associated surface infrastructure...'* The building on the site is not for agricultural or forestry buildings and the buildings are still in existence and not blended into the landscape. It is therefore considered that the application would meet the definition of Previously Developed Land(PDL).
- 1.3 Therefore, in accordance with the guidance in the NPPF, the next consideration would be whether the proposed redevelopment would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 1.4 To assess this impact the application looks at this element in a variety of ways. They consider appearance, footprint/floorspace and visual impact and the purpose for including the land in the Green Belt.
- 1.5 Appearance  
The development would result in the removal of the large main central building on the site. The existing building can be seen from views outside of the site and in addition the large area of hardstanding and gravel. There are also a number of outbuildings and other structures which can be viewed from more limited points and predominantly within the site.
- 1.6 The proposal would result in the removal of these and the replacement with 10 dwellings across the site. The built form would therefore be spread across the site and would open up views within the site to the surrounding area. The existing vegetation and proposed landscaping would enhance the appearance and enable wider views to be considered.
- 1.7 Footprint/ volume  
The total existing footprint of built form on the site is some 1183sqm, with the same floorspace. The proposed development would have a total footprint of some 488sqm and a floorspace of some 977sqm. In both aspects this would result in an overall reduction. In terms of footprint of built development on the site, there would be a reduction of 59% and in terms of floorspace there would be a reduction of some 17%.
- 1.8 The proposed development would result in 2 storey dwellings on the site, at present much of the development on the site is single storey in nature. The existing main central building is some 4 metres in height which would generally be larger than a typical single storey development. The existing volume of the buildings on the site would be some 3525 cubic metres, with the proposed dwellings resulting in a volume of some 3160 cubic metres. This would result in a 10% reduction in overall volume of built form on the site.

1.9 Visual Impact

A landscape visual impact assessment was submitted in support of the application. This highlights that there are limited views into the site from public points to the north and west of the site.

1.10 The main view of the site would be that from Westoning Road, through the site entrance. There would currently be no views through the site with the view being dominated by the large main building in the centre of the site. Limited views from the allotments/ cemetery would be seen in the context of the railway and the embankment in front.

1.11 The increase in height would be from typical single/one and half storey development to two storey development spread out through the site rather than in one central location.

1.12 Purpose of including land within the Green Belt

The five purposes of including land within the Green Belt are:

- to check unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- to assist in urban regeneration, by encouraging the recycling of derelict and urban land

1.13 The site is a previously developed land that is itself fairly restricted in terms of boundaries with the railway line, Westoning Road and the allotments/ cemetery. It is considered that the proposed development would not lead to unrestricted sprawl.

1.14 Given the design and layout of the proposal and the brownfield nature of the site, it is not considered that it would result in the gap between Westoning and Harlington being significantly reduced.

1.15 As the site is a brownfield site, it would not result in the loss of open countryside. The proposed development would result in the redevelopment of an existing brownfield site rather than the need for further greenfield sites to come forward. In addition, it would preserve and in some views enhance the setting and character of Harlington.

1.16 Conclusion

From the above assessment it can be seen that in terms of the provisions set out in the NPPF, the proposed redevelopment would be acceptable. In accordance with paragraph 89 the proposed development would constitute the redevelopment of previously developed land and it is not considered that it would have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

1.17 There is no guidance within the Core Strategy and Development Management Policies for Central Bedfordshire (North) in terms of development in the Green Belt because this was previously contained within national policy, therefore

the reliance is on national policy. Therefore, it is considered that the principles of the redevelopment would be acceptable.

## **2. Character and Appearance of the Area**

- 2.1 The proposed development would be visible in some views from Westoning Road, particularly close the entrance. At present, these views are predominantly of the existing central building. The proposed views would be of the green edge adjacent to the access, the views through the access road and towards the fields to the rear.
- 2.2 The design and layout of the proposal is such that there would be views of the buildings from the road but that these would not be detrimental. The proposed dwellings are of modest 3 bedroom design with on plot parking.
- 2.3 It is therefore considered that the proposal would not have a detrimental impact on the character and appearance of the surrounding area.
- 2.4 The proposed development proposes a number of measures in terms of landscaping within the site. On the north and west boundaries of the site it is proposed to manage and reinforce the existing boundary treatment with the removal of the existing leylandii hedge that defines the northern most part of the site and the replacement with a native hedgerow with scattered hedgerow trees. This would create a more characteristic and appropriate edge to the development than the existing leylandii. Boundary treatment will include native hedgerow planting to soften the boundaries across the site.
- 2.5 The layout includes areas of incidental open spaces and opportunities for feature planting. In addition there will be an open landscaped area including SUDs features adjacent to the access.
- 2.6 It is considered that the proposed measures will ensure appropriate planting/ landscaping across the site and reinforce the boundaries. The detailed landscape elements can be dealt with by condition.

## **3. Layout**

- 3.1 The proposed development would in a density of approximately 26 dwellings per hectare. The layout respects the standards set out in the Design Guide for Central Bedfordshire in terms of amenity space, privacy and parking.
- 3.2 It is therefore considered that the proposed layout would be acceptable and would protect the amenity for both existing neighbouring residential properties and future occupiers and would be in conformity with Policy DM3 of the Core Strategy and Development Management for Central Bedfordshire (North).

## **4. Neighbouring Amenity**

- 4.1 The closest neighbouring property would be the bungalow to the west of the boundary which is accessed from Westoning Road. This property is currently well screened.
- 4.2 The proposed development would result in plot 1 being adjacent to the dwelling

and the rear/side gardens of plots 2, 6 and 7 bounding the rear garden of the existing dwelling. The separation distance from the rear of the existing dwelling to the rear of the proposed plots would be some 21m. This is considered an acceptable separation distance and would ensure a suitable level of privacy is achieved for both existing and future occupiers.

- 4.3 The properties on the southern side of Westoning Road, would have views over the site from first floor level windows, however, given the separation distance and the layout it would not result in any loss of amenity for either existing or future occupiers. The proposed development would not result in a detrimental impact on the residential amenities of existing properties and would achieve a suitable level of amenity for future occupiers. It is therefore considered that the proposal would be in conformity with Policy DM3 of the Core Strategy and Development Management Policies for Central Bedfordshire (North).

## **5. Highway Considerations**

- 5.1 The Highways Officer has raised no objection to the application subject to conditions in relation to visibility splays, surfacing and construction management. Amendments were sought in relation to the proposed footway and layout, these amendments have been undertaken and the Highways Officer is now content with the proposed development.
- 5.2 It is acknowledged that concern has been raised regarding the crossing of the road. The proposed footpath has been amended to take on board comments raised by the Highways Officer and is now considered acceptable. It is therefore considered that the proposal would not have a detrimental impact on the highway network nor highway safety.

## **6. Other Considerations**

### **6.1 Railway Noise**

The application was supported by a Noise Assessment which considered the noise from the railway in particular. Public Protection have raised no objection subject to a condition relating to noise from the railway. The condition would ensure that a suitable level of noise amenity can be achieved for future occupiers.

Network Rail raised concern regarding land ownership. The agent has confirmed that the applicant has an option over the entire site and that they have served the appropriate certificate on the owner of the land. I have advised the agent to contact Network Rail to discuss further.

### **6.2 Flood Risk/ Drainage**

The application was supported by a drainage strategy for the site. The SuDs engineer raised concerns regarding the information submitted and requested further details. Further details have been submitted and the SuDs Engineer has been reconsulted. The comments on the revised information will be reported on the late sheet.

### **6.3 Human Rights issues:**

The application has been assessed in terms of human rights implications and it raises no issues.

6.4 Equality Act 2010:

The application has been assessed in terms of equality and it is considered that no issues are raised.

**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 C; V17-106-P03 Rev C; V17-106-P04 Rev B; 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 and surface water 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 and surface water drainage is provided and that existing and future land drainage needs are protected.**  
(Section 10, NPPF)

## INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National

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](mailto: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](mailto: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 (Cretaeus), 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 line (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:** [assetprotectionneem@networkrail.co.uk](mailto:assetprotectionneem@networkrail.co.uk)

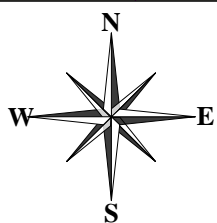
Kind regards,

**Matt Leighton**  
Town Planning Technician | Property  
Network Rail  
George Stephenson House | Toft Green | York | YO1 6JT  
E [matt.leighton@networkrail.co.uk](mailto:matt.leighton@networkrail.co.uk)  
[www.networkrail.co.uk/property](http://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.





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Licence No. 100049029 (2009)

Date: 31:July:2017

Grid Ref: 495705; 222791

Application No.  
CB/17/02729/VOC

Scale: 1:5000

Motorcycle Track south of Stanbridge Road, Great Billington

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<b>Item No. 8</b>
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<b>APPLICATION NUMBER</b>	<b>CB/17/02729/VOC</b>
<b>LOCATION</b>	<b>Motorcycle Track south of, Stanbridge Road, Great Billington</b>
<b>PROPOSAL</b>	<b>Variation of condition 4 -The proposal is for the hours of operation to be changed to Wednesday, Friday &amp; Saturday 10am till 3pm and Sunday 10am till 2pm. Org app SB/95/00176/Full</b>
<b>PARISH</b>	<b>Stanbridge</b>
<b>WARD</b>	<b>Heath &amp; Reach</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Versallion</b>
<b>CASE OFFICER</b>	<b>Debbie Willcox</b>
<b>DATE REGISTERED</b>	<b>10 July 2017</b>
<b>EXPIRY DATE</b>	<b>04 September 2017</b>
<b>APPLICANT</b>	<b>AG Bunker &amp; Sons</b>
<b>AGENT</b>	<b>AW Architectural Design Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>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.</b>
<b>RECOMMENDED DECISION</b>	<b>Variation of Condition - Recommended for Approval</b>

**Summary of Recommendation:**

The temporary amendment to condition 4 is recommended for approval as it is considered that the impact of this alteration to the extant planning permission would not give rise to an unacceptably harmful impact on the amenity of neighbouring occupiers. The application is therefore considered to accord with Sections 8 and 11 of the National Planning Policy Framework and Policy BE8 of the South Bedfordshire Local Plan Review.

**Site Location:**

The application site comprises a 0.65 Ha parcel of land located on the south side of Billington Road, which branches south off the A505. The land is in use as a motorcycle training and practice facility. The site has been laid out with a motorcycle track incorporating jumps and banked corners. The track is surrounded on all four sides by earth bunding of varying heights. The area at the northern end of the site is laid out as an informal parking area. The site is flanked by open fields to the east and west, and beyond Billington Road to the north. The land is bordered by a watercourse, known as Ouzel Brook, and a wooded area to the rear. The site lies to the north of Eaton Bray and to the east of Billington village. The village of Stanbridge lies to the north. There are also a number of commercial and residential properties grouped around Billington Road to the west. The site falls within the South Bedfordshire Green Belt as defined on the proposals map of the South

Bedfordshire Local Plan Review 2004. The rear part of the site falls within Flood Zones 1 and 2.

**The Application:**

Planning permission was granted for the change of use of the site to a motorcycle track in 1995 under planning permission reference no. SB/95/00176/FULL, subject to various conditions, including condition 4 which controls the permitted hours of use. Condition 4 currently restricts the operating hours to Mondays - Saturdays 10am - 12.30pm and 2.30pm until 5pm and Sundays and Public Holidays 10am - 2pm. A separate condition restricts use of the track to the period between 1st March and 30th September.

This application seeks to vary condition 4 on a temporary basis until 30 September 2017 to allow the track to function only on Wednesdays, Fridays and Saturdays 10am - 3pm and on Sundays 10am - 2pm. The application was originally submitted to allow Sunday usage between 10am - 3pm but has been modified during the application process in response to consultation responses.

In 2015 a variation of condition (CB/14/03678/VOC) application was approved to allow operation only during the winter months (01 October - 30th April) only Fridays, Saturdays and Sundays (excluding public holidays) 10am - 1pm and 1.30pm until 4pm and an increase in the maximum number of bikes on the track from 7 to 18. This application was granted subject to an increase in the height of the bunding around the track, which in itself required planning permission. An application for the increased bunding has been submitted and is under consideration, but as yet, permission CB/14/03678/VOC has not been implemented.

**RELEVANT POLICIES:**

**National Planning Policy Framework (2012)**

**South Bedfordshire Local Plan Review Policies**

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the Bedfordshire Structure Plan and the South Bedfordshire Local Plan Review, due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that Policies BE8 and R16 are broadly consistent with the Framework and carry significant weight.

BE8 Design Considerations

R16 Control of Sport and Formal Recreational Facilities in the Countryside

**Local Plan**

The Council is currently consulting on its Draft Local Plan (Regulation 18). The Plan outlines the overarching strategy for growth and also sets out more detailed policies which will be used to determine planning applications. A substantial volume of evidence gathered over a number of years supports this document. These technical papers are consistent with the aspirations of the National Planning Policy Framework and therefore will remain on the Council's website as material considerations, which will, along with the direction of travel of the Local Plan, inform development management decisions.

## Supplementary Planning Guidance

Central Bedfordshire Design Guide: A Guide for Development (2014)

### Relevant Planning History:

SB/95/00176/FULL	Change of use of land for motorcycle training and practice. Permission.
CB/12/03419/VOC	Variation of Conditions 2, 3, 4, 5, & 6 of planning permission SB/95/00176 so as to allow the use of the track for motocross/quad practice only; the use of the track all year round; the use of the track between the hours of 10am and 4pm on Saturdays, Sundays and Wednesdays; the use of the track for "training and corporate days" with a maximum of 15 riders per day on Mondays, Tuesdays, Thursdays and Fridays; a maximum of 30 bikes on the track at any time; and a 1 metre increase in the height of the existing earth bunding. Refused: Would have an unacceptable adverse effect upon the amenity of neighbouring residents.
CB/13/00620/LDCE	Certificate of Existing Lawful Development: Land use as Motorcycle track. Refused: Use of site in breach of Condition 3 of planning permission SB/95/00176/FULL not shown to be lawful on the basis of the submitted evidence. A subsequent appeal was lodged in respect of this decision. As there was an effective Breach of Conditions Notice in place at the site a Certificate of Lawfulness could not be issued in respect of the use of the site. The Planning Inspectorate therefore determined that no further action should be taken in respect of the appeal.
CB/13/02819/VOC	Refused. Variation of conditions 3, 4 and 5 of planning permission SB/95/00176 the use of the track all year round; hours of use, amount of bikes on the track at anyone time.
CB/ENC/12/0641	Non compliance with Condition 3 of permission SB/TP/95/00176 which states that : <i>This permission shall only extend to the use of the site for the purpose of motor cycle training and practice between the 1st April and 30th September in any calendar year.</i>  <i>REASON: To enable the District Planning Authority to exercise proper control over the development in the interests of general amenity.</i>  Breach of Condition Notice issued 02 January 2013.
12 September 2013	Non compliance with Condition 4 of permission SB/TP/95/00176 which states that : <i>The site shall be used for the purpose hereby permitted only between the hours of 10.00am to 12.30pm and 2.30pm to 5.00pm Mondays to Saturdays and between the hours of 10.00am to 2.00pm on Sundays or Public Holidays.</i>

*REASON: To enable the District Planning Authority to exercise proper control over the development in the interests of general amenity.*

Breach of Condition Notice issued on 12 September 2013

- CB/14/03678/VOC      Application to vary conditions 3, 4 & 5 of permission reference SB/TP/95/0176 to allow operation of the site during the following periods:  
1st October to 30th April (winter months)  
Fridays, Saturdays and Sundays from 10am till 1pm and 1.30pm till 4pm (3 days per week) excluding Bank Holiday use and the increase in the number of bikes on site at any given time from 7 to a maximum of 18.  
Granted 02/02/2015 - not yet implemented but still extant.
- CB/15/01784/MW      Raising of existing bunding to motorcycle track to a minimum of 2.0m above the highest part of the existing track level as required by condition 7 of planning permission reference CB/14/03678/VOC - Pending
- CB/ENC/17/0157      Alleged Non-Compliance with Conditions SB/95/00176

**Consultees:**

Stanbridge Parish  
Council

Final response to be reported on the Late Sheet.  
Synopsis of preliminary response:

- The address of the site is Billington Road, Stanbridge, not Stanbridge Road, Billington;
- Our main complaint will be focused on noise pollution and we believe the site causes a statutory nuisance contrary to the Environmental Protection Act 1990 as the motocross operation "unreasonably and substantially interferes with the use or enjoyment of a home or other premises"
- To now increase use of the track to a solid 5 hours a day may also be considered as an infringement under the Human Rights Act 1998
- A public authority may need to take positive steps so you can peacefully enjoy your home - for example, by reducing aircraft noise or protecting your home from serious pollution.
- Evidence is provided that despite an enforcement against the track already, they continue to breach the current planing and are advertising the site as open till 3pm on a Sunday due to new planning permission. On one website 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.

- 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 and I am told by those that work with engines everyday the bikes sound as if they are exceeding the permitted engine size and noise emissions.

Billington Parish Council      Following our meeting last week, Billington Parish Council has asked me to register our objection to the above planning application.

The existing planning permission works well to minimise the noise - subject to the operators keeping to the agreed timings. If the new proposed timings are passed it would mean for those living close by:

- 5 continuous hours of noise;
- Longer Sunday hours for the neighbours to suffer;
- Likely to attract an increased number of uses which would in turn increase the levels of noise. We believe CBC are neither able to monitor or control the number of bikes using the track;
- Altering the hours would remove the Breach of Condition Notice regarding operating hours. This would make it harder to control the operators who have repeatedly breached the hours of operation since taking over in April 2017.

We therefore urge CBC to refuse this application.

Eaton Bray Parish Council      Eaton Bray Parish Council wishes to object to this application on the grounds of increased noise nuisance.

The existing planning permission SB/95/00176 has been effective in limiting the noise nuisance and there seems no reason to alter this. The increased hours on Sunday would result in increased noise for the neighbours and would substantially interfere with the enjoyment of their gardens. The long lunch break has allowed neighbours some respite and has limited the number of bikes visiting the track. Changing this will result in a continuous 5 hours of noise.

Although there seems to be a reduction in the hours of operation, the track has never been used every day and currently is only operating on Wednesdays, Saturdays and Sundays.

We have two major concerns:

(1) If this permission is granted for the short period that remains this year then it would set a precedent. If for any reason the new planning permission CB/14/03678 was not implemented then a further application to make these new hours permanent could be hard to refuse.

(2) The site is subject to a 'Breach of Condition' Notice regarding the hours of operation. This would presumably be no longer applicable if new hours were granted. There have been many reported breaches of the current planning permission since April 2017. Losing this additional protection would make it much harder to control the operators who appear to have scant regard for the planning process.

Pollution Team

Firstly I object to the increase of hours on Sundays and Bank Holidays as this amounts to an increase in the length of time noise can occur with no offer of any mitigation.

The removal of the lunchtime break would contribute no additional noise in terms of hours of use of the track: it removes the 'respite' during the middle of the day but also means the noise finishes earlier in the day. I find it difficult to maintain an argument that removing the lunch break is more disturbing than finishing earlier as the potential noise remains the same (in terms of hours).

### Other Representations:

Neighbours and  
General Public:

Consultation period still open at time of writing the report.  
Additional responses to be reported on the Late Sheet.

Object: (51 Tilsworth  
Road, Cherry Trees &  
115 Station Road and  
37 Orchard Way,  
Stanbridge, Ryecote  
Farm & 14 The Rye,  
and 10 The Nurseries,  
Eaton Bray, 42  
Middleton Way,  
Leighton Buzzard,

- Any increase in Sunday hours is unacceptable;
- The insertion of lunch breaks was to reduce disturbance to neighbours and the hours should remain as they are;
- The site is currently in breach of conditions and allowing these changes would encourage further breaches and CBC enforcement do not have the resources to enforce conditions;
- The activity is noisy and intrusive;
- The maximum usage of the track should remain as it is;
- Removing the lunch break would attract a greater number of bikers and CBC are not monitoring or controlling the number of bikes using the track;
- The track is currently infrequently used during the week;
- Changing the conditions would mean that the current breach of condition notice would no longer be valid.



Support: (112  
Meadway, Dunstable  
and 35 Golden Dell,  
Welwyn Garden City)

- The facilities provide somewhere safe and legal to ride motorcycles off road and should be supported.

### **Determining Issues:**

The main considerations of the application are;

1. Principle
2. Neighbouring Amenity
3. Other Considerations

### **Considerations**

#### **1. Principle**

- 1.1 The application is made under Section 73 of the Town and Country Planning Act 1990, which provides for applications for planning permission to develop or change the use of land or buildings without complying with conditions previously imposed on a planning permission. In determining such an application under section 73, the decision maker should take into account any changes in circumstances since the parent permission was issued.
- 1.2 Advice within the National Planning Practice Guidance states that the original planning permission will continue to exist whatever the outcome of the application under section 73. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In granting permission under section 73 the Local Planning Authority may also impose new conditions - provided that the conditions do not materially alter the change of use that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission.
- 1.3 In deciding an application under section 73, the Local Planning Authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application, (paragraph 031). The Local Planning Authority can grant permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue.
- 1.4 Several of the neighbouring residents who objected have raised the issue of whether the site is a suitable location for a motocross track. However, the principle of a motocross track in this location was established under the grant of planning permission in 1995 and despite the passage of time and any changes in circumstances, the principle of the use of the site as a motocross track is not a matter for consideration as part of this application.
- 1.5 Instead consideration of this application should depend on the examination of the likely impacts on the amenity of neighbouring occupiers of the requested variation of condition 4 of planning permission SB/95/00176.
- 1.6 When considering these matters, attention must be paid to Section 8 of the

National Planning Policy Framework, which addresses sport, recreation and leisure facilities. Paragraph 73 of the NPPF states that access to opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

- 1.7 This must be balanced against the requirements of Section 11 of the NPPF as far as it relates to noise pollution, which will be expanded on below.

## **2. Neighbouring Amenity**

- 2.1 It is acknowledged that residents in the surrounding communities find the noise emanating from the track to be disruptive and intrusive. It is hoped that the bunding which is the subject of pending application CB/15/01784/MW will provide a long-term solution to the problem. However, until these matters are resolved and planning permission CB/14/03678/VOC is implemented, the original planning permission is still valid and the track is operational.
- 2.2 This application seeks to temporarily vary the operating hours of the track until 30th September 2017. As noted above, the application originally included an increase in the operating hours on Sundays by an hour, however, this was the subject of significant objections from local residents, Parish Councils and the Council's Environmental Health Officer and the application has subsequently been modified to retain the existing Sunday hours.
- 2.3 Consideration should therefore be given to the impact on local communities of amending Monday - Saturday hours from 10.30am - 12.30 pm and 2.30pm - 5pm to 10am - 3pm on just Wednesdays, Fridays and Saturdays. This would not see a net increase in the daily amount of hours of use of the track, but would instead consolidate the hours on Wednesdays, Fridays and Saturdays and remove the possibility of the use of the track on Mondays, Tuesdays and Thursdays, representing a net reduction in permitted hours of 15 hours per week.
- 2.4 It is noted that the track is currently not used on Mondays, Tuesdays or Thursdays, however, the permission does provide the ability for the track to be used on these days and it is considered that the reduction in even the theoretical use of the track would provide an additional (albeit temporary) protection for local residents from the potential of it being used on those dates. This is a tangible benefit for the local community, albeit limited, based on the existing pattern of use of the track.
- 2.5 Having regard to the use of the track on Wednesdays, Fridays and Saturdays, if the application were to be approved, the local community would lose the respite they currently enjoy during the lunch time period. However, the use of the track would finish earlier, at 3pm instead of 5pm; and would therefore provide quiet afternoons from 3pm, a benefit which the community do not currently have. It is noted that the Environmental Health Officer has not raised any objection to the variation of the hours on Wednesdays, Fridays and Saturdays, concluding that the level of disturbance to the local community would be the same.
- 2.6 It is noted that some objections received appear to assume that the application would result in a net increase in the operating hours of the track, which is not the case.

- 2.7 Some objectors are concerned that the loss of the lunch break would encourage more bikes to use the track and allow the track to be more commercially viable. However, condition 5 would remain, which limits the maximum number of bikes at any one time on the track to 7 and conditions 1 and 2, which control the activities which take place on the track will also remain. It is considered that these conditions are the most appropriate way to control the number of bikes using the track and the activities that take place on the track. The track is subject to random monitoring checks and the Enforcement Team respond to individual complaints.
- 2.8 Whilst it is noted that the loss of the two hour respite over lunch times is a concern to some members of the local community, it is considered that, on balance, this would be outweighed by the combination of the benefit of the earlier finish times and the removal of the possibility for the track to be operated on Mondays, Tuesdays and Thursdays.
- 2.9 The proposal would result in a net reduction in the possible hours that the track would operate and would not increase the number of operating hours on any one day. The proposal would therefore deliver a net benefit in terms of limiting noise pollution to the local community. As such, the proposal is considered to be in accordance with Section 11 of the NPPF and Policy BE8 of the South Bedfordshire Local Plan Review.

### **3. Other Considerations**

- 3.1 The preliminary comments of Stanbridge Parish Council have been passed to the Enforcement Team and the Environmental Health Team for investigation under the appropriate regulatory frameworks. In respect of the address of the application, it is noted that the previous application had the same address as this application and that the track gives its address as "Stanbridge Road, Billington" on both the application forms and publicity material.
- 3.2 It is noted that the current permission does not restrict the engine size of the bikes or the noise emissions which can result from the track. Conditions restricting these matters are attached to CB/14/03678/VOC, which is yet to be implemented.
- 3.3 Some consultation responses have raised concerns that the existing Breach of Condition Notice issued under CB/ENC/13/0276 would no longer be enforceable. Legal advice has confirmed that this is the case. However, should this application be granted, effective enforcement measures are proposed to ensure equivalent protection for local residents.
- 3.4 Eaton Bray Parish Council has raised concerns that granting a temporary Variation of Condition would set a precedent and would make it difficult to refuse a subsequent application to vary the condition on a permanent basis. It is hoped that following this season, planning permission CB/14/03678/VOC would be implemented, offering greater protection for residents from noise and disturbance emanating from the track. However, should that not be the case, it is considered that the short period until 30/09/2017 would provide a useful trial period for both applicants and the local community. It is considered that the granting of this temporary variation of condition application would not set an

unavoidable precedent for any future applications. Whilst it would be a material consideration in the determination of any future application, that application would have to be determined on its own merits and this decision would not be an overriding consideration.

- 3.5 The public consultation has raised concerns that the operators of the track have a history of breaching their planning conditions and there is currently an enforcement investigation open into allegations of breaches of condition. However, this is not a material consideration in the determination of this application and cannot be used as a reason for refusal of this application. The Council's Enforcement Team are investigating and monitoring the track separately to the determination of this application.

**3.6 Human Rights issues:**

The application raises human rights issues in respect of the right of objector's to peaceful enjoyment of their home and the rights of the applicant and the users of the track to the enjoyment of the track. However, the proposal would not result in a net increase in the level of noise and disturbance resulting from the track and the activities that take place on the track. It is therefore considered that a decision to withhold planning permission under the circumstances would materially infringe the applicant's and users' human rights.

**3.7 Equality Act 2010:**

The application raises no issues under the Equality Act 2010.

**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**

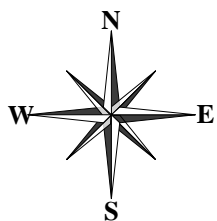
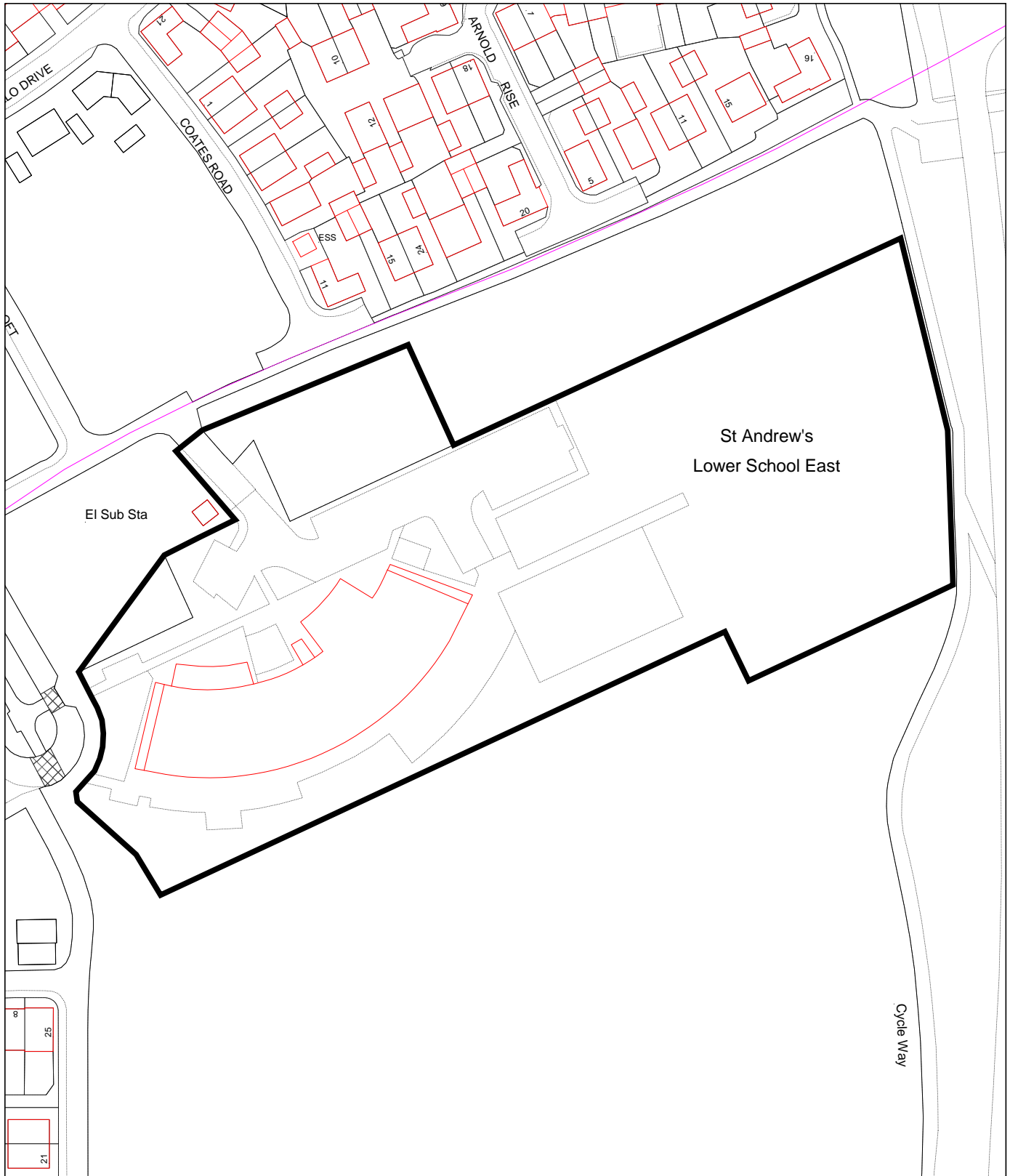
The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186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

#### **DECISION**

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Date: 01:August:2017

Map Sheet No

Application No  
CB/17/02252/FULL

Scale: 1:1250

St Andrews Lower School, Bantock Way, Biggleswade, SG18 8UQ

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<b>Item No. 9</b>
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<b>APPLICATION NUMBER</b>	<b>CB/17/02252/FULL</b>
<b>LOCATION</b>	<b>St Andrews Lower School, Bantock Way, Biggleswade, SG18 8UQ</b>
<b>PROPOSAL</b>	<b>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.</b>
<b>PARISH</b>	<b>Biggleswade</b>
<b>WARD</b>	<b>Biggleswade South</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Lawrence &amp; Woodward</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>08 May 2017</b>
<b>EXPIRY DATE</b>	<b>03 July 2017</b>
<b>APPLICANT</b>	<b>Willmott Dixon Construction Ltd</b>
<b>AGENT</b>	<b>White Design</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The site is owned by the Council and there has been an objection to the planning application.</b>

<b>RECOMMENDED DECISION</b>	<b>Full Application - approve</b>
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**Reason for recommendation:**

The principle of the development would be acceptable, as would its appearance and impact on the highways network. The need for the facility has been clearly demonstrated. The development would be sustainable.

**Site Location:**

St Andrew's Lower School is a new school brought forward as part of the Land East of Biggleswade mixed-use development. It is located at around the centre of the site, near to the Local Centre. The school is occupied and is a popular lower school choice for residents of Biggleswade. Planning permission was granted in December 2016 for a six classroom extension to the school. That development has been implemented but is not complete.

A nursery group has been operating out of the school for some time. The applicant has explained that this temporary solution is not sustainable because the space at the school is needed to provide for early years teaching.

**The Application:**

Full planning permission is sought for a single-storey extension to the eastern

corner of the recently approved extension to the school. It would be used as a nursery.

It would be located on an area of the school site that had been planned to be used as a habitat area and seven trees would be removed as a result of the development. Both would be replaced elsewhere at the site school site.

Staff would utilise the existing and planned car and cycle parking at the site. Visitors would utilise the existing drop-off loop to the west of the site or short-stay car parking within the local centre which is a short distance from the site.

### **Relevant Policies:**

National Planning Policy Framework (2012)

Core Strategy and Development Management Policies (2009)

- DM1 Renewable Energy
- DM2 Sustainable Construction of New Buildings
- DM3 High Quality Development
- DM9 Providing a Range of Transport

King's Reach Biggleswade Design Code (2008)

Central Bedfordshire Design Guide (2014)

### **Planning History:**

MB/03/01205/OUT Residential development of approximately 1450 dwellings, construction of Eastern relief road, Local Centre, primary school, public open space, structural landscaping, infrastructure including surface water balancing facilities and associated works. Demolition of 128 Potton Road to facilitate vehicular access. (All matters reserved except means of access)

Granted 13 November 2006

CB/14/00516/RM Reserved Matters: following outline application MB/03/01205, erection of lower school, with; - access roads - car parking - sprinkler tanks - playing fields - hard courts - hard and soft landscapes.

Approved: 10<sup>th</sup> June 2014

CB/16/04686/FULL A new single storey 6 classroom teaching block with associated support spaces and a single storey extension to the existing school building all with associated external works including additional car parking and revised layout, play areas, cycle parking, relocated recycling enclosure and extended Air Source Heat Pump enclosure.

Approved: 13<sup>th</sup> December 2016

CB/17/02910/NMA      Non Material Amendment to planning permission CB/16/04686/FULL: (Classroom Block) Removal of 1no. roof lights to each classroom, retaining 1no. per each room. Removal of 2 windows to the west elevation of the building. Adjustment to shape of kerb edging at entrance / exit to car park. Increase size of ASHP enclosure.

Decision pending.

### Representations:

Biggleswade Council      Town      Objection because the development is out of character, (appearance not in keeping with the surrounding properties) and concern on traffic movements, (overdevelopment).

Neighbours      15 letters in support of the planning application have been received.

### Consultee responses:

Highways      Thank you for confirming that it is only the building that is new, and all other functions are existing, including a looped drop of area. It is basically a 'like for like' proposal which will not generate any additional traffic and therefore I have no objection to the proposal as submitted.

Pollution Control      I have considered this application in terms of potential noise, light and contamination impacts. Light and noise need no further action however, a Ground Investigation Report submitted in 2014 identified landfill gas potential to the south east; while the findings were not elevated enough to propose further action it was advised that further precautionary ground gas investigations be undertaken if any further development took place in closer vicinity to the former landfill.

As the application site is sensitive and does approach somewhat more closely the former landfill it is prudent that we require the applicant to provide further updated ground gas information, which can be secured by means of a prior to use condition as follows:

**No occupation or use of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:**

**A contaminated land and ground gas assessment focussing on the former landfill to the south of the**

**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 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).**

Landscape Officer

There are no landscape objections to this proposal, subject to a satisfactory landscape scheme. It is however, disappointing that more built form is required as this is a small site and the natural environment ,which can add so much to all aspects of education and well being, has to be reduced as a consequence.

A fully detailed landscape scheme will be required. It is noted that 7 trees are to be removed or replanted. Although fairly new trees, it is recommended that new trees are used, as the relocation and watering demands will be great and successful transplantation is unlikely.

I would like to be certain that the school has been consulted on the new landscape proposals - the scheme should meet their needs for environmental education in the broadest sense. Rather than like for like replacement, there could be scope for planting trees or bushes which can be coppiced, or the space could be used for shrubs such as buddleia , in order to attract butterflies. A willow sculpture could help define the space and create a feature. A tree with shade bearing leaves might also be a requirement.

The shrubs proposed for the hedgeline will also require a detailed specification - the hedge could be of native species or be a range of flowering shrubs to provide a more ornamental feature , but the species used must support wildlife.

As outdoor landscaped space has been lost, it is important that as many "tiers " of planting make the most of the remaining area e.g. through the use of climbers - on the building or on a pergola , the use of bulbs and the introduction of habitat features such as rock or log piles .

I would be happy to discuss the planting opportunities further, but emphasise that the new scheme need not replace the same number of trees as overplanting can reduce the value of grassed areas and lead to potential problems in the future e.g. the need to remove some trees as their canopies spread.

## Archaeology

The proposed development is located in an area of Iron Age and Roman settlement (HER 18301), a heritage asset with archaeological interest as defined by the *National Planning Policy Framework (NPPF)*.

The Iron Age and Roman settlement was identified in an archaeological field evaluation undertaken as part of planning application MB/03/01205/OUT. The evaluation identified a number of archaeological sites and features of prehistoric, Roman and later date, forming part of wider archaeological landscape around Biggleswade. As a consequence a planning condition requiring the implementation of an approved *Scheme of Archaeological Resource Management* was attached to the outline planning consent. The approved *SARM* identified areas requiring further archaeological investigation in advance of development. One of the identified areas, Area 2, included part of the school site. An open areas archaeological investigation was undertaken in advance of construction of the existing school in 2014. The excavation did not include the whole school site, part of which lies outside Area 2 and the eastern part of the schools site preserved archaeological remains under the school playing field. The excavation found evidence of Late Iron Age and Roman occupation which extended outside the excavated area including to the north (Albion Archaeology 2016).

The site of the proposed nursery extension was not included in the area excavated during the original construction of the school, this part of the site was originally identified as preserving archaeological remain *in situ* (see: *St Andrew's Lower School, Kings Reach, Biggleswade, Bedfordshire Scheme of Archaeological Resource Management* (Albion Archaeology, Document 2014/125, Version 1.1, 5th August 2014)). The 2014 excavation showed that archaeological features belonging to the Late Iron Age and Roman settlement extend eastwards in to the area of the proposed new nursery extension.

The proposed nursery extension site is known to contain archaeological remains forming part of a Late Iron Age and Roman settlement site. The investigation of sites of these periods to understand the character, chronology, development, structure and organisation of rural settlements (Bryant 2000, 16; Going and Plouviez 2000, 19; Oake 2007, 11 and Medlycott) and the transition between the Iron Age and Roman periods (Medlycott 2011, 31) have been identified as regional and local research objective.

Paragraph 141 of the *NPPF* states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012). The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an overriding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of the heritage assets. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development; and will take the form of an open area excavation. The scheme of works will also include the post-excavation analysis of any archive material generated and the publication of a report on the works. In order to secure this, please attach the following condition to any permission granted in respect of this application.

**No development shall take place until 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 said development shall only be implemented in full accordance with the approved archaeological scheme.**

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

Fire Safety

Although this should normally be dealt with at Building Regulations consultation stage, I would like to draw the developer's attention to the requirements of Building Regulations "Approved Document B (Fire Safety) Volume 1 - Dwellinghouses" or "Volume 2 – Buildings other than dwellinghouses" as appropriate, particularly 'B5 - Access and Facilities for the Fire Service', to ensure compliance is met and specifically as below with respect to dwelling houses:

- Vehicle access for a pump appliance to within 45m of all points within a dwelling house;
- Turning facilities should be provided in any dead end access route that is more than 20 m long. This can be by a hammerhead or turning circle, designed on the following table.

IDB

No objection

**Determining Issues:**

The considerations in the determination of this application are:

1. The principle of the development
2. The appearance of the development
3. Highways and parking
4. Drainage
5. Noise and disturbance and the impacts on neighbours
6. Archaeology

**Considerations:**

1. The principle of the development

Outline planning permission has been granted for a mixed-use development at the wider site that included a lower school. The proposed nursery extension would be compatible with the intended use of this part of the King's Reach Development. The applicant has demonstrated that there would be a need for the facility. The principle of the development would be acceptable.

2. Appearance

The appearance of the extension would reflect that at the recently consented lower school extension in terms of its scale, design and materials. It would sit comfortably in its context and would be acceptable.

The Town Council has raised concern that the scheme could result in overdevelopment. Given the scale of the development and the size of the site, even when taken together with the recently approved extension, that could not be the case.

The loss of seven trees and the planned habitat area would be mitigated by their relocation elsewhere at the site (which would be controlled by condition).

The Landscape Officer has requested that a detailed landscape scheme is submitted and a condition would ensure that a high quality scheme was secured.

3. Highways and parking

The Council's Highways Officer is satisfied that the use of existing parking and drop-off facilities would be appropriate and that there would be no 'severe' transport impacts (in NPPF terms) associated with the development.

In response to concerns raised over the parking provision by the Town Council, the applicant has set out the following:

*Our pre-school children are all from the immediate vicinity and local area and we make it clear at induction meetings that there is no parent parking at the school during normal school hours. We encourage healthy living and therefore suggest that children walk, scoot or bike to pre-school, we can store their bikes or scooters for them. Where it is not possible for parents to walk to the pre-school with their children, we do sign post them to the community centre where there is public parking available situated right next to the lower school. Therefore parents that live some distance away normally choose an alternative pre-school.*

*We are a sessional pre-school that operates between 9am to 12pm and 12.15pm to 3.15pm. Some children attend morning only or afternoons only and some children attend for the whole day. This means that out of the numbers quoted above for the drivers, they are not all at 8.50am and 3.10pm, as some of the children are collected at lunch time. We will never have 50 parents driving to our pre-school at 8.50am or 3.15pm.*

*We have been operating now for 2 years and as far as we know have had no complaints from residents about our parents parking in the nearby residential area and to be honest with all of the building works going on in the area currently, it would be extremely difficult for anyone to park in the nearby roads, which backs up the fact that any parents who drive have parked in the permitted parking at the community centre.*

*We have more parents who drive between 7.30am and 8pm when they are dropping their children off for breakfast club, at that time there is room for parents to park in the school car park so no need to park in the residential area. The same for our children who attend after school club.*

*A high volume of the children who attend pre-school have siblings at the lower school, so at least half if not more of the children who are driven to pre-school do not incur additional road trips as parents would be driving the older children to lower school anyway.*

*To summarise, the majority of our road trips are between 7.30am and 8pm and 4.30pm and 5pm and the school car park is used for those trips.*

*If planning is not permitted we will be unable to operate wrap around care and in*



*that case, St Andrews Lower School would have to operate it themselves, know that they also believe strongly that they have to have a pre-school on site, as that is what parents who are interested in their school ask them about. So in any case the road trips would not decrease.*

*We have been operating at full capacity for the past 2 years meaning that the number of road trips will not increase from what they have been. We are enhancing the infrastructure, by providing pre-school places, which Biggleswade Town Council are saying is the main reason for their objections to the increase in development.*

The traffic and parking impacts of the development would be acceptable.

4. Drainage

A drainage strategy has been submitted with the application. The IDB has raised no objection.

5. Noise and disturbance

The site would be near to approved residential development, within and around the Local Centre. A use like that proposed would likely result in noise and disturbance but that would likely be limited to daytime hours and would be experienced in the context of the Local Centre, which contains other non-residential uses.

6. Archaeology

A condition would ensure that archaeological heritage at and near the site would be protected during the development.

**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.

### **DECISION**

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**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
<b>Total</b>	<b>£354,327.69</b>

### **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)

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**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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