

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 28 March 2018

PRESENT

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

Cllrs	M C Blair	Cllrs	E Ghent
	Mrs S Clark		C C Gomm
	K M Collins		K Janes
	I Dalgarno		T Nicols
	F Firth		J N Young

Apologies for Absence: Cllr T Swain

Members in Attendance: Cllr Ms A M W Graham

Officers in Attendance:	Mr D Ager	Principal Highways Officer
	Ms P Bramwell	Planning and Highways Solicitor, LGSS Law
	Mr A Davie	Development Infrastructure Group Manager
	Mr M Heron	Principal Planning Officer
	Mrs C Jagusz	Committee Services Administrator
	Mrs D Lavender	Principal Planning Officer
	Mr J Longhurst	Director of Regeneration and Business
	Mr A Maciejewski	Senior Definitive Map Officer
	Mr L Manning	Committee Services Officer
	Mrs L Newlands	Principal Planning Officer
	Ms A Rowland	Team Leader Sustainable Transport
	Mrs J Selley	Head of Planning Delivery
	Mr P Vosper	Principal Planning Officer

DM/17/149. **Chairman's Announcements and Communications**

The Chairman advised the meeting that the order of business for the planning applications would be as set out on the agenda.

DM/17/150. **Minutes**

The Chairman advised that the minutes of the meeting of the Committee held on 28 February 2018 had not yet been published.

RESOLVED

that the confirmation and signing of the minutes of the meeting of the Development Management Committee held on 28 February 2018 be deferred until the next meeting.

DM/17/151. **Members' Interests**

(a) Personal Interests:- Member	Item	Nature of Interest	Present or Absent during discussion
Cllr S Clark	6	Ward Member	Absent
Cllr N Young	All	May have met applicants in his capacity as a former Portfolio Holder and as the current Executive Member for Regeneration. Has retained an open mind.	Present
Cllr K Matthews	6	Son-in-law works at Cranfield Airport, though not for the applicants. Knows two speakers. Has not discussed the application with Cranfield Parish Council.	Absent
Cllrs R Berry, I Dalgarno, E Ghent, K Janes and N Young	6	Know Cranfield Parish Council speaker.	Present
Cllr I Dalgarno	8	Knows speaker.	Present

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

Member	Item	Nature of Interest	Present or Absent during discussion
None.			

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

Member	Item	Parish/Town Council	Vote Cast
Cllr I Dalgarno	8	Arlesey	No. Not a Town Councillor. Attended as observer

DM/17/152. Planning Enforcement Cases Where Formal Action Has Been Taken

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

DURING CONSIDERATION OF ITEM 6 BELOW COUNCILLOR MS A GRAHAM ENTERED THE CHAMBER

DURING HER PRESENCE IN THE CHAMBER FOR ITEM 6 BELOW COUNCILLOR MRS CLARK SAT APART FROM OTHER MEMBERS OF THE COMMITTEE IN ORDER TO SPEAK AS A WARD MEMBER

DM/17/153. Planning Application No. CB/17/05862/OUT (Cranfield and Marston Moretaine)

The Committee had before it a report regarding Planning Application CB/17/05862/OUT, a hybrid planning application relating to: Full planning application relating to proposed Air Park facility (Phase 1) to include 2 no. of aircraft hangars with ancillary atrium and offices; 1 no. of Fixed Base Operator (FBO) Airport Terminal building; 1 no. of ground support building; 1 no. of Class

B1 office building; 1 no. of biomass energy centre; 1 no. of security gatehouse; 1 no. of fuel storage area; and associated development to include new roundabout junction, public art installations, runway resurfacing, airport apron, new taxi-way link, perimeter fencing, landscaping, car parking and accesses. Outline planning application relating to proposed Air Park facility (Phase 2) to include 3 no. of aircraft hangars; 1 no. of hotel; and associated development to include airport apron, new taxi-way link, perimeter fencing, landscaping, car parking (with all matters reserved except for layout and access) on land north of Cranfield Airport, College Road.

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

During the planning officer's introduction a Member sought clarification on the officer's statement that the scheme was predominantly for private jets. The Member asked if larger sized jets, such as Boeing 737s, were likely to make use of the proposed development. In response the planning officer advised that 737s were already licensed to use Cranfield Airport and facilities existed to allow them to do so. However, given that the business jet use of this aircraft was limited to very wealthy individuals, he believed that 737s would be less frequent visitors than the smaller business jets, such as those produced by the Gulfstream company. The planning officer emphasised that the sound contour model had used the Hawker 800XP jet, which was noisier than a 737, and the model therefore represented a 'worst case scenario'.

In advance of consideration of this item the Committee received representations from Cranfield Parish Council, objectors to the application and the applicants under the public participation scheme.

A Member sought clarification from the Parish Council representative regarding the age of the existing buildings at the airport. The Member stated that they appeared to date from the 1950's and 60's rather than the Second World War and therefore appeared more significant than a simple grass airstrip used by the Royal Air Force (RAF). In response the Parish Council representative advised that the Airfield had been built in the 1930's, originally as a RAF training facility, and had been used as such during the war. It had been decommissioned after the war and used for aeronautical research, though also retained for use as an airport and mainly used by private flying schools employing small aircraft. He stressed that that the airport was no longer used by the RAF, one runway had been reduced in length because of the construction of the nearby Nissan facility and its use as an airport had shrunk considerably after the 2008/09 financial crisis. The representative added that the airport's buildings belonged to Cranfield University.

A Member sought clarification from one of the objectors regarding the location of the latter's residence following her comment that those persons living under the flight path to the airport had not been consulted. On being advised the objector lived in Salford the Chairman reminded the meeting that the

Committee's site inspection had included this location. Another Member asked for the objector's residence to be highlighted on the sound contour map to establish the expected levels of noise she would experience.

A Member sought clarification from the applicants' representative on why a decision on the application was required so quickly. In a response the representative stated that a grant of £17m had been awarded to Cranfield University in June 2017 by the Higher Education Funding Council of England subject to confirmation by 31 March 2018 that the Cranfield Airport project would proceed. He advised that the Funding Council itself would cease to exist on that date.

The Chairman queried why the application had only been submitted in January 2018. He also stated that funding matters were not a material consideration for the Committee. In response the representative explained that work on the application had started in June 2017, once the funding offer had been made, and it had taken until the end of 2017 for the plans to be developed and public consultation to have taken place. The application had then been submitted.

A Member sought clarification regarding the type and timing of flights. The representative explained that whilst some visitors would remain on site the majority would travel on to London, Birmingham and Milton Keynes. It was envisaged that 40% of the flights would take place at the beginning and end of the working day.

The Vice-Chairman sought clarification on the current consultation process between the airport and local residents. The representative advised that meetings had taken place with the Parish Council with regard to the application. In addition, regular meetings took place with the Parish Council on other matters relating to the airport. The Vice-Chairman asked if, as the airport was moving to become a commercial entity, it would form a consultative committee in order to meet possible Civil Aviation Authority (CAA) requirements in this regard. The representative was unable to provide a full answer but stated that a consultative committee would be formed, wider ranging than before in scope, and it would meet any CAA requirements. The Vice-Chairman requested that officers to confirm whether a consultative committee was a CAA requirement.

In order to provide clarification to the Committee a representative stated that, as part of the Environmental Assessment, a baseline study had been undertaken and noise monitors installed around the airfield. He referred to the types of business jet that already regularly used the airport and pointed out that, given there was only one runway, the aircraft could only take off or land one at a time so the noise levels currently experienced would be replicated in the future. It was, therefore, possible to be in Cranfield and hear an aircraft of the size and type that would be using the proposed Air Park in the future.

In response to a Member's query the representative confirmed that although 150k movements were already permitted at the airport only 20k took place at

present. He explained that the baseline had been set at 20k and if the increase did suddenly expand to 150k movements the noise levels would increase substantially. However, and in response to another Member's query, he made clear that it was not planned to increase movements to that level. The existing mixed aircraft movements were at 20k and the proposed business jet movements linked to the Air Park added a further 25k giving a total of 45k movements.

The Member then sought clarification on how the modelled sound levels had been arrived at. The representative explained that the model worked by deciding on a mix of aircraft, taking one from each of the different types, so it included noisier and quieter aircraft. The mix was based on a 'best guess' as it was not known exactly what aircraft would use the airport. Each aircraft produced a different noise signature so small, medium and large jets were included. He advised that the noisiest jet used was noisier than a 737 and would not be currently certified, although existing ones could continue to fly. The representative explained that each aircraft was subject to stringent guidelines on noise. The guidelines were becoming increasingly stringent and it was for this reason that he believed aviation noise would reduce over time.

The Member queried what noise a 737 would make in the context of the sound contour diagram if the noisiest jet engine lay within 63dB and a 737 was quieter. The representative stated that the 737 was quieter and would not alter the size of the contours in the diagram. He explained that the noise level would depend on the runway used and wind direction. Another representative emphasised that the number of 737s flown as business jets was very small.

A Member sought clarification on what mix of jet and propeller driven aircraft movements currently took place and how would this change under the proposal. The representative explained that, at present, there were 1k business jet movements a year and 19k propeller driven aircraft movements. However, in future there would be parity between the two types. He added that some propeller driven aircraft were noisier than business jets.

The Member then sought clarification from the applicants' representative on the availability of a breakdown of the mix of aircraft used. The representative referred Members to an appendix which listed the aircraft modelled. The representative stated that the applicants were happy to condition the extent of the noise contours as a part of the application so, if the aircraft mix were to change, there was a commitment not to make them worse.

A Member sought clarification as to whether it was expected that noise levels would reduce over time as older jets were withdrawn from service and quieter aircraft replaced them. He also queried over what time period it was anticipated that the business jet movements would increase to the projected 25k a year. In response the representative stated that jets had a limited operational life compared to propeller driven aircraft. In addition the jets' owners would also want to use the latest model. The number of movements was linked to the proposed development phases. Once Phase 1 had been

completed the growth to 14½ k annual business jet movements would begin. If successful, and once phase 2 had been completed, growth would continue to a total of 25k business jet movements. He added that by conditioning the noise contours the noise levels could not worsen and noisier aircraft could not, therefore, be flown. The representative stated that it was not possible to know what mix of aircraft would be used. Phase 1 of the airport would be built by 2020 and the numbers would start to increase from that point with the full capacity of business jet and propeller driven aircraft reaching a total of 45k movements under phase 2, by 2027.

The Chairman sought clarification as to why an explanation of the Noise Management Plan (NMP) was not being provided until after the application was, possibly, approved. He queried why the applicant felt it necessary to wait until after the approval and why there was no Plan or related information available. In response the representative stated that the terms of the NMP were set out within the proposed conditions and a NMP would be drafted in advance with the operators. However, details were not yet available because a first years' worth of real world data was required to understand how the noise contours were performing together with the operators' procedures and how they needed to be managed. He acknowledged that it was a monitoring exercise but emphasised that it was also about adjusting the operation of the Air Park to ensure it was complying with approved targets.

A Member sought further clarification on the NMP because, as a key condition, it would not be in effect until after a full year of operation. In response the representative likened the NMP to a construction management plan in that it was conditioned because it had to be written by a contractor who often had not been appointed at that stage. The applicant would need to submit an NMP before the operation of the Air Park but for it to be a document of value the applicant needed to work with operators in order to understand the detail of their operations. The Plan would be constantly referred to in order to ensure the operators' activities were within acceptable limits.

A Member commented that the NMP would assist the applicant to comply within the recommended conditions and that appropriate action would be taken by the environmental health officer if they failed to do so.

The planning officer responded to the points raised as follows:

- The sound contour diagram provided a realistic depiction of the noise levels that would be generated by the aircraft that could operate from the Air Park. There were four properties within the 63 dB level (significant adverse impact level) and this figure remained unchanged for Phase 2 of the development.
- There were conditions in the Late Sheet applicable to Phase 2 which ensured that no matter what aircraft were operated the decibel levels would not exceed the maximum levels set out within the Environmental Statement. These levels represented 'the worst case scenario'.

- The proposed hangars could accommodate the 737. He advised that the presence of these aircraft would be infrequent but they were already licensed to operate from the airport and had done so.
- There would be no extension of the runway. Any proposed extension would require its own individual planning permission.
- A proposed condition would prevent bulk freight services and scheduled holiday charter airliner services from using the airport. A request to do so would require planning permission.
- Consultation had been carried out with all bodies, it had been advertised in the press and through site notices and there had been engagement in terms of pre-application. Although the application had only recently been submitted the Council had been aware of it for a considerable time as well as the related issues that could arise.
- There would be no significant impact on the nearby village of Salford which lay within the 57 dB contour and was adjacent to the M1.
- The internal teaching environment in local schools would be acceptable. There was one school within the 57 dB contour and this was well below the 63 dB significant impact level.
- The highways officer had considered the proposed off-site highways works and it was felt that there would be no detrimental impact on the highways infrastructure.
- The planning officer reiterated that whilst the NMP was a condition for monitoring it would need to be agreed prior to any operation of the new facility. The information would, therefore, be available before the commencement of the permitted application. He stressed, however, that he did not feel the application was only acceptable because of the NMP condition as he believed the application to be acceptable in its own right, having regard to the overall planning balance. The NMP would also foster community engagement and ensure a suitable committee was formed to monitor the ongoing operation of the airport. This would ensure any future guidance was picked up, consideration given to the submission and approval of mitigation schemes and ensure that the airport was operating at an acceptable level.
- The Chairman referred to comment that there was no intention to extend the runway but stated that the master plan provided for an extension of 300m. In response the planning officer explained that the Phase 2 Master Plan only proposed the resurfacing of the existing runway and there was no proposed expansion of the runway. This could be the subject of a future application at which point it would be considered on its own merits. The Chairman acknowledged that it was not a part of the application before Members but the overall master plan included this provision and it had created concern locally.
- The Chairman referred to concerns expressed by one of the objectors in connection with the parameters suggested by the World Health Organisation (WHO) regarding health for school children. Reference had been made to a 50 dB limit for internal noise levels and 55 dB limit for external noise levels. In response the planning officer stated that, for gardens, the recommended guidance was 55 dB and the Planning

Inspector had, for the proposed residential development west of Mill Lane, Cranfield (known as Area B) accepted that there would be an impact on gardens at this level. He had found that application (including the harm to gardens) acceptable in the overall planning balance and this was what he (the planning officer) had also concluded with regard to the airport application.

- With reference to the teaching environment the environmental health officer referred to the guidance on internal noise levels in schools. He pointed out that the structure of the school would mitigate the sound level to a degree and an examination of Building Bulletin 93 (the government guidance dealing with the acoustic standards of school buildings) indicated that the sound levels would be satisfactory.
- The Chairman referred to a comment by one of the objectors that there had been no proper transport impact assessment. The planning officer stated that a comprehensive assessment had been submitted and the mitigation set out in the officer report was based on that robust assessment. The highways officer fully concurred. The assessment had identified the need for some off-site mitigation measures where capacity was an issue including the Salford Road/Wavendon Road junction which, she understood, would be dealt with as part of the Phase 2 application.
- The Chairman referred to concerns expressed by the Parish Council representative that there had been no independent assessment of the noise impact of the application. In response the planning officer stated that, as a member of the Chartered Member of the Royal Town Planning Institute, he had to be assured that, in order to make a recommendation, it was based on the evidence and that he understood the issues involved. Further, and whilst the Council had not made use of an independent noise expert, it had been able to make use of the environmental health officer's wide ranging experience in noise issues, including aviation, and the latter regarded the application as acceptable. Further, the NMP contained a commitment to bring in an aviation expert to ensure that there was compliance with guidance and mitigate any unacceptable levels of noise if there were any. The planning officer reiterated that the application would not have been presented to Members if he was not confident in his recommendation.
- The Chairman referred to a proposal in the Late Sheet to remove the words 'up to' from the descriptive text in the planning officer's report in relation to the possible height of the hotel building so that the text would read 'could be five storeys in height'. The planning officer responded that the amendment was an attempt at clarity and was not binding as the Committee was only being asked at this point to consider the position of the hotel as part of the Phase 2 outline application. Removing the words 'up to' would enable the Committee to consider any scale under the reserved matter application and an unacceptable size would not be supported by Members. The Chairman stated, however, that as only the position was being considered, there was no need to refer to the height at all and he suggested the text read 'a four or five star hotel with

conferencing facilities'. The planning officer accepted that this was what he had intended.

A ward Member sought clarification from the officers on the following points:

- The perimeter fencing material was referred to as solid in the officer's report but other documents referred to wire mesh. The planning officer explained that, given the nature of the airport and safety guidance, it would be robust fencing with the details to be agreed through condition. The proposed fencing would be assessed and softened in appearance through landscaping. He stated that it would have to be of a certain nature for security purposes. The ward Member asked if the fencing material was still to be conditioned and the planning officer responded that the material used would be robust metal but the exact details would be controlled by condition. He understood, however, that it would be wire mesh fencing. He stressed that the fencing material used would have to be appropriate and confirmed it would be conditioned as part of the landscaping plan.
- Whilst the Parish Council had remarked on how the proposed buildings could fit better in the countryside its objection had been on the grounds of landscaping and visual impact and the reasons were set out in the Parish Council's submission. The ward Member felt that this was not clear in the officer's report. The planning officer stated that he felt he had summarised the Parish Council's position comments in his report, had stated that the Parish Council objected and had also attached its letter as an appendix to his report.

The ward Member referred to Policy DM11 which stated that management plans, development briefs or master plans agreed by the Council were required prior to the significant expansion or redevelopment of the facilities at Cranfield University or the Technology Park. The officer report stated that the master plan for the airport development would be approved by way of approving the planning application. The ward Member added that the master plan that had been consulted on by the University (as the applicants) had not been made available to the Committee's Members. Of importance was that the master plan showed a 300m extension to the runway to the north of the airport and the University had made this aim clear in its documentation. If the Committee was approving the master plan by approving the application it was, therefore, also approving the runway extension.

The ward Member then turned to highways issues and indicated her support for the proposed works under Phase 1 of the development. With regard to the works proposed under Phase 2, however, she stated that both she and the Parish Council felt that the detail of the proposed improvements should not be approved as part of the current application. Whilst the need for improvements was recognised the suggestion that mini roundabouts would solve the traffic issues in Salford at the bottom of Cranfield Hill and where Beancroft Road met Marston Hill was mistaken. She requested that, instead, a condition be added requiring the detail of the proposed schemes to come forward as part of the

Phase 2 reserved matters application. She felt that this would have the benefit of considering the required works at a time when there was a better understanding of how traffic movements had changed and therefore make use of up to date information.

The ward Member next referred to the landscape and visual impact of the application and that the Committee had seen, during its site inspection, where the hangars and support buildings were to be sited. She felt that it could not be argued that there would not be a serious change in the local landscape and its open character.

The ward Member then turned to the question of noise which she felt was the most important issue. Although difficult for her to explain, she asked that Members follow her comments because of the likely impact on Cranfield and the surrounding villages. She first stated that it was not the case that the existing permission for 150k movements meant that the airport could do as it wished. She explained that she, the Parish Council and most of the residents of Cranfield, had accepted the statement made by Turnberry at the public exhibitions and at the Parish Council that the airport could do so. However, examination of the Biggin Hill Airport website revealed the range of measures, controls, restrictions and mitigation in place for an airfield which already operated flying schools and business jets. This suggested that a more up to date management scheme could be put in place at Cranfield. Arising from this the Parish Council had sought independent advice on noise from James Trow (Noise Consultants Ltd) a consultant who had worked on airport projects for the last 12 years at 15 international and regional airports. He was the World Bank aviation noise expert and a noise expert for the EU Commission. The ward Member advised that Mr Trow had been unable to attend the meeting due to a prior commitment. She also informed the Committee that a report had been produced by Noise Consultants Ltd and it had been rebutted by Turnberry. Noise Consultants Ltd had then produced a second report in response to Turnberry's rebuttal. Copies of both documents had been provided to Members by the Parish Council.

The ward Member stated that the application would increase airport noise levels and that this was accepted by all parties. It would alter the mix of aircraft types away from small propeller driven aircraft and towards business jets up to the size of Boeing 737s. This had been confirmed by the applicants' representatives and the planning officer. It was intended that the number of movements would increase from 20k, from a mix of propeller driven aircraft (19k) and business jets (1k), to a new total of 40k movements with a parity between the two types. Turnberry had confirmed that without the Air Park development the current mix of aircraft types would continue or be slightly lower. The ward Member then stated that it was the application for the ground infrastructure improvements which was the enabler by which the additional movements could take place and allow the change in aircraft types which would use the airport. It was, therefore, incorrect to say that the airport could do as it wished under its current operational licence as it was actually constrained from doing so by its existing ground infrastructure. The noise

generated would depend on the types of aircraft using the airport and the types of aircraft would, in turn, depend on what the infrastructure could facilitate. The noise could, therefore, be conditioned and controlled.

The ward Member stated that as the noise would increase with the new infrastructure the Committee needed to consider what was an acceptable level of noise impact and what would happen if that level was exceeded. She asked if enough work had been done to establish how much more noise there would be and whether the Committee was satisfied that it would be sufficiently mitigated. The ward Member stated that the noise assessment from Turnberry had many omissions. It did not, for example, consider what would happen if the airport operated at night. Though the airport did not currently do so the applicant had made clear that it had a 24 hour operating licence. She added that a range of scenarios including, say, the requirement to operate more night movements than had been envisaged, had not been considered and so could not, currently, be conditioned.

The ward Member stated that the Turnberry report had not considered the measures the airport could put in place to mitigate and minimise the noise increase, as was required by government policy. The effect on the local schools had not been considered though children had been identified by the government as noise sensitive receptors, as were hospitals, and this issue had to be considered in its own right. Aircraft noise could have an effect on children's learning and this had not been addressed in the Environmental Statement. The Turnberry report stated that the schools were shown on the contour maps but she had been unable to find them on any of the maps presented in the Environmental Statement. The ward Member, therefore, felt it was incorrect to say that a noise impact assessment of the schools had been carried out and she did not consider this to be safe.

The ward Member next stated that there was no noise insulation scheme and there were no proposals on how this would be created. She stated that good practice indicated that it should be a separate condition.

The ward Member stated that the application had not used the most up to date guidance and policies to make the noise assessment. The potential effects of the noise had therefore not been fully described or presented. This matter had been a constant point of dispute and Noise Consultants Ltd had attempted to clarify this at a number of points through the provision of additional information in the form of extracts and a document entitled 'The House of Commons Transport Committee Airports National Policy Statement' which stated that the most to date guidance should be used. However, the 2013 guidance, rather than that dated October 2017, had been used. Further, it was incorrect to state that it only applied to air space change as it applied to all noise assessments. Because Noise Consultants Ltd and Turnberry completely disagreed on that point, and given that it was such a fundamental issue, the ward Member felt that the Council should have appointed its own noise expert in order to resolve the differences.

The ward Member stated that the application had not considered the effect of the noise impact on human health which she felt was a key consideration. The noise modelling had not broken down the aircraft movements by type, or by day or night. She stated that no helicopter movements had been included which was important because both the Farnborough Airport and Biggin Hill Airport websites emphasised their close travel proximity to London by helicopter. The ward Member stated that some Cranfield Air Park users would want to travel by helicopter to London so an increase in helicopter movements could be anticipated. However, this had not been modelled.

The ward Member next referred to the indication that the 63 dB contour was the only contour of importance and, as a result, just four properties in Cranfield would experience significant adverse noise harm. She stated, however, that besides those four properties the dwellings in Area C (the consented Mill Road site), Area B (the recently approved Mill Road phase 2 site) and possibly others in Areas E and A, which were currently at appeal, could also be adversely effected. At 63 dB insulation had to be paid for but she queried if Turnberry and the Council's officers were indicating that other residents experiencing noise below that level did not deserve to have the noise mitigated. The noise guidance used meant it was possible for the applicants to do whatever they wished up to 63 dB and only then introduce mitigation. She pointed out that the 2013 guidance stated that the onset of significant community annoyance was 57 dB and that would affect 715 homes in Cranfield. A more recent guidance lowered the figure to 54 dB but that contour had not been measured so it was not possible to know how many homes in Cranfield would be affected. The most recent guidance had lowered the figure to 51 dB and there was no indication where the dwellings affected were, whether the noise levels in those areas could be mitigated or what restrictions could be put in place that would be reasonable to condition for the future.

The ward Member stated that the approach by the Council had been to address the increase in noise through conditions. However, the conditions could only address the information provided in the Environmental Statement and not to any unforeseen circumstances that might arise. Therefore, the conditions as written could not cover the issues that could occur and residents were not properly protected. She commented that recommended condition 24 relating to the NMP would mean a year would pass before anything was structured and the planning officer had stated that the first year was about monitoring and not mitigation. The ward Member added that the recommended conditions as proposed contained no restrictions on any activity at the airport, though she acknowledged that those contained in the Late Sheet went some way towards starting the introduction of restrictions. However, she felt that they were insufficient and did not override the fundamental concerns. As such the conditions did not provide safeguards that would avoid the development exceeding the noise levels shown in the Environmental Statement and the Environmental Statement itself could be found wanting.

The ward Member asked why, if a noise expert was to be brought in for the NMP, he or she had not been brought in to consider the application from the beginning. She stated that the NMP would only monitor the situation, it did not introduce any restrictions. As a result the Air Park would be free to do as it wished with no consequences.

A number of recommendations were made by Noise Consultants Ltd on pages 11 and 12 of the rebuttal of the Turnberry document and the ward Member asked for all of them to be included in the conditions. She stated that the Council should have sought independent aviation noise expertise because the planning officers and environmental health officers were experts in their own field, not in aviation noise. This mattered as proper advice would have enabled Members to understand if the impact of the development was significant and how the application should be properly conditioned in a watertight manner. She stressed that it was the Council's responsibility to protect its residents but the noise report the Council was relying on was non-compliant with current policy and the Environmental Impact Assessment Regulations. She asked if Members would wish to consent a non-compliant scheme and if Members were sure residents would be properly protected given that the noise conditions, as proposed, were not adequate enough. The ward Member referred to concerns raised by both the Parish Council and the Noise Consultants Ltd report and she was of the opinion that these had not been properly addressed. Instead, there was a reliance on conditions that were not fit for purpose and the scheme, whilst it provided great flexibility to the airport, provided little certainty for the residents. She stressed that it was important that the effects were fully understood before consent was given. If this was not done then the Council would be unable to assure residents that the noise increases would not be worse than were envisaged.

The ward Member felt the Council had not struck the right balance between the needs of the airport and the local residents.

The ward Member stated that applicants' representative had made it clear that there was great pressure to have the application approved in order for the University to access funding. Whilst understanding the University's rationale to have a more commercially based airport operation she commented that the application needed to be properly assessed and conditioned. However, the Committee had been asked to approve it because of the time pressure on funding rather than making sure that the best interests of the residents were looked after and they were protected. She reiterated that the Committee had to be sure, if it wished to approve the application, that it had no doubts that the information it had was sufficient to enable residents to be properly protected.

(Note: At this point in the proceedings Councillor Mrs Clark left the Chamber. She took no further part in the debate or in the decision on this item).

The Chairman stated that, as the Committee was aware, he was also a ward Member for Cranfield and Marston Moretaine. The third ward Member had been unable to attend due to work commitments. The Chairman reminded the

meeting that he had habitually taken a neutral stance even when applications had come forward for his ward as he believed his role was to ensure all participants had the opportunity to present their case. However, with regard to the application before Members, he admitted to being conflicted not just as a ward Member but also as Chairman. He had not heard answers to his satisfaction on the doubts which had been raised. The Chairman then referred to a legal report, circulated to Members the day before, which had been commissioned by the Parish Council and which, he felt, cast further doubt in his mind as to whether it would be safe to proceed and determine the application at that meeting. He felt there was a case for further information to be made available at a future date. On that basis he moved deferment for one cycle. He then undertook to explain the reasons why he had come to that view and raised the first ward Member's earlier reference to Policy DM11. The Chairman stated that the application did equate to a redevelopment of facilities which would enable the expansion and he felt the master plan should have been circulated. He then referred to the legal opinion commissioned by the Parish Council and how he was struck by the doubt expressed as to whether or not it was safe to proceed. Further, the legal report stated that the Committee would be acting unlawfully if it failed to ask for further information in compliance with Regulation 25 of the Environmental Impact Assessment Regulations.

The Chairman stated that although he was Chairman he was also acting as ward Member. It was normal that the Committee would hear the ward Member and then ask the officers to respond and so, as ward Member, he was making his comments. However, debate ensued at this point with regard to the Chairman's authority and status, given that he also wished to take part as a ward Member. Members felt that the meeting should be adjourned in order to clarify this issue.

(Note: The Committee adjourned at 12.16 p.m. and reconvened at 12.25 p.m.)

The Chairman informed Members that he had been advised that he had been in danger of overstepping his authority and thereby, possibly, jeopardise the outcome of the Committee's deliberations. He had also been advised to relinquish the Chair, hand over to the Vice-Chairman and leave the Chamber. He apologised if it had been felt that he had acted inappropriately but his prime concern had been to represent the residents of Cranfield.

(Note: At this point in the proceedings the Chairman, Councillor Matthews, left the Chamber. He took no further part in the debate or in the decision on this item).

COUNCILLOR BERRY IN THE CHAIR

The planning officer responded to the points raised by the ward Member and by the Chairman (as ward Member) as follows:

- The Master Plans to be considered under the proposal were before Members. There was no expansion of the runway proposed and no

element of the assessment considered it. Turnberry had been open in public consultation in that it was something that might be done in the future. The planning officer stressed that any future proposal for such an extension would be subject to its own assessment and consideration of this matter was irrelevant at the current time.

- With regard to the ward Member's reference to mitigation and human health these were covered within the Environmental Statement.
- The Council was confident that the Environmental Statement was robust, the methodology for assessment was robust and therefore there was no deficiency in the Statement.
- The Parish Council's noise assessor dealt with far larger airport facilities than that proposed for Cranfield. The assessor would be looking at possible changes to aviation movements, such as stacking (where aircraft circled an airport in holding stacks until a landing slot became available), but the planning application for Cranfield would not see any change to the existing use of the airspace - one aircraft would take off and one would land as currently took place.
- The 2017 Guidance did not change the 63 dB level, it simply took the assessment down to start at 51 dB. Although the outside contour for 57 dB would, therefore, broaden out and capture more properties the noise levels would be considered acceptable in terms of insulation mitigation.
- The noise impact on gardens had been considered and it was acknowledged that there would be a sound levels above 55 dB. The planning officer referred to the Planning Inspector's recognition that, within a certain distance of the airport runway, there would be a noise impact on the new Area B (Mill Road phase 2 site) residential development. However, the Inspector had considered the noise levels acceptable within the overall planning balance and that the housing benefit outweighed the harm. The planning officer stated that whilst it was considered that there would be an intermittent and infrequent impact to gardens by the airport development it had been weighed against the benefits of the scheme.
- The planning officer stressed that the critical point was that the 2017 Guidance had not been engaged given the nature of the proposal. Even if it had been, it would have made no difference to the overall balancing exercise conducted by the officers and the application would still be considered acceptable. He added that the Guidance did not adjust the significant adverse impact level and merely drew down the contour levels.
- The Chairman had referred to the legal opinion contained within the paper commissioned by the Parish Council. The planning officer stated that queries had been raised on such issues as ground noise in that paper. In response he referred to contours which, he stated, represented the worst case scenario for the noise of an engine when taking off and stated that this would be far worse than any ground noise which would be picked up in the NMP. He explained that the NMP was not merely for monitoring, which was a part of it, it was also about community engagement and mitigation which would need to be carried

out given the standing of the government guidance above that of the Council's own conditions. He added that the buffers were considered acceptable.

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

- A Member stated that he understood that junction 11a of the M1 generated noise levels of 65 – 68 dB. This was approximately 20 times the noise level generated at 58 dB. He then referred to his earlier reference to the 150k movements as being the baseline and the subsequent argument that was unacceptable. He commented that the Development Management Committee often discussed the use of existing industrial estates that were no longer viable and had, in effect, ceased to function. The Committee felt that if such a site were to restart and thrive then a certain number of lorry movements, at certain times and with accompanying noise levels, could be expected. When an application for a residential development on a former industrial estate was submitted the Committee, therefore, the baseline for movements was set at the estate's most active period, not when it was derelict. He stated that he would adopt the same approach, in theory, to the current application and that when sound levels were being evaluated reference should be made to 150k movements and not to the projected 20k movements. The Member also felt that a fall in movements to 20k should be regarded as a source of disappointment to the Committee given that the airport and Cranfield University represented a key part of the Council's industrial strategy. He spoke of the role of these sites in improving the economy within Central Bedfordshire, the generation of industry and trade and the likely location of higher paid jobs. The Member stated that, in his opinion, the airport had been more than just a wartime soft airstrip and the Council should be encouraging its development. He also welcomed the proposed £17m grant to the University, which represented investment within Central Bedfordshire, and which he stated was necessary if the large number of proposed new homes were to be built within his ward. He concluded by stating that the only arguments raised against the application were the same ones used against all major applications. He understood the desire of local residents everywhere to reduce any level of development to the minimum but the Committee had to take a dispassionate view in the interests of the Council as a whole. Unless corrected by the Executive Member for Regeneration, he understood that the area represented a key part of the Council's industrial strategy and should not be otherwise prejudiced.
- A Member of the Committee, who was also the Executive Member for Regeneration, confirmed the airport's status as being crucial in the Council's economic strategy but stated that he would comment in relation to that in planning terms rather than as a Regeneration issue. The Member referred to the £17m grant and drew Members' attention to the further linked £40m investment by Cranfield Air Park which

represented a significantly larger investment than that supported by government funding.

- The Member referred the Committee to page 32 of the officer report and to the relevant Council policies and extracts from the National Planning Policy Framework (NPPF) which related to supporting sustainable economic growth. He then referred to the current contribution to the local economy made by Cranfield University, its status as a major employer and to the projected number of jobs (an estimated gross total of 230-270 FTEs) arising from Phase 1 of the development once it was fully operational.
- The Member referred to the University supporting very highly skilled jobs and how these could also be found at the nearby Nissan Technical Centre. He commented that the proposed hotel development under Phase 2 would, usefully, provide less skilled jobs than could be found at the University.
- Turning to page 33 of the report the Member drew Members' attention to the information relating to the local employment supported by the development, which was estimated to be 3-4% of the total employees in the Cranfield and Marston Moretaine ward, once Phase 1 was fully operational and how that figure would grow further once Phase 2 was also operational.
- The Member went on to refer to the estimated 51k visitors to the Air Park once Phase 1 was operational and how that would lead to increased expenditure locally. He emphasised that the economic benefits of the development and the related job creation were essential to that part of Central Bedfordshire. The Member reminded the meeting that, in the north of Central Bedfordshire, there was a focus on scientific, technical and related job types. The application would transform the ongoing viability of the airport and support its use for aerospace research and development.
- The Member then referred to the NMP and indicated his approval of it. He stressed that the NMP was imposed by a condition which required the applicant to submit the Plan for the Council's approval prior to the commencement of any operations. He believed the NMP content, which he felt to be fairly comprehensive, provided answers to the points raised by the ward Member and local residents.
- The Member added that should the Committee approve the application he would wish to see a recommendation requiring the officers to consult with an independent noise expert in relation to the discharge of the condition on the NMP.
- Turning to page 28 of the officer report the Member referred to the proposed Phase 2 mitigation measures set out in paragraph 4.5. The Member concurred with the ward Member's view that these measures were not satisfactory and suggested that they be deleted and replaced by a requirement for the submission of a highways scheme to the local authority for approval within the Phase 2 reserved matters application. He acknowledged that this matter did not form part of the recommended conditions currently before the Committee but wished to make clear that

he was unable to support the introduction of a compact roundabout at Salford and he would want the opportunity to give further consideration to it at a later date.

- The Member then moved the application subject to the inclusion of a recommendation on the need to consult an independent noise expert. The motion was seconded.
- A Member expressed concern on the very strong focus on noise and, although the ward Member had touched on openness and traffic concerns, they had hardly been discussed. He referred to the suggested deletion of the proposed Phase 2 mitigation and indicated his support. With regard to the NMP the Member felt that it should be made explicit in the relevant condition that, included within the Plan, were details of how members of the public could submit complaints. He stated that the Committee should be satisfied that it was very easy for a complaint to be submitted and referred to his own personal knowledge of this area given part of his own ward experienced aircraft noise. He commented that an easy complaints process would also assist the airport to deal with any issues. A planning officer confirmed that this could be included within the condition.
- A Member stated that he appreciated why another Member had thought that the baseline for movements should be 150k. However, he did not accept the point that it meant Cranfield could do whatever it wished and he stated that the applicants were not asking to do so. He also commented that the situation between an airport used largely by flying schools with small propeller driven aircraft frequently landing and taking off and a much reduced number of aircraft flying further distances would be totally different. He added that, in order to gain a greater understanding, he had acquainted himself with noise levels and, from this, advised that he understood 63 dB was slightly louder than a conversation.
- A Member informed the meeting that 63 dB was the equivalent to heavy traffic at 100m on a motorway and noise in the 50 dB range was equivalent to the sound of a dishwasher in a neighbouring room. He stated that he fully appreciated the concerns expressed and had used a noise chart to put them in to context.
- A Member referred to the comparative contour map for London-Luton Airport and pointed out that the 57 dB contour covered almost all the homes in Slip End (within his ward of Caddington) and the 60 dB contour covered about 25% of the homes. The noise level for Slip End Lower School was approximately 59 dB. The residents were aware of the airport but only a relatively few, who lived directly under the flightpath, regarded the noise as particularly intrusive. The Member then referred to the letter received the previous day from the Parish Council with the solicitor's suggestion that Central Bedfordshire Council was at risk of judicial review because it had not been given all the information it should have before making a decision. He stated that as Central Bedfordshire Council's legal officer present at the meeting had not intervened to prevent the Committee from continuing he assumed that

she had no concerns that this suggestion was true. In response the legal officer stated that she had not seen the Parish Council's letter. However, in terms of what had been discussed by the Committee that day, the responses from the officer, and how the Committee intended to deal with issues by way of condition, she believed the Committee had covered all that it needed to.

- A Member commented that he had not received the letter. The Chairman explained that it had been sent by email late the previous day.
- The legal officer stated that, provided the officer was satisfied that he had dealt with all the points, and she was not aware of any issue raised that needed to be further examined from a legal perspective, she was satisfied that the officer had dealt with everything that he needed to.
- With regard to the 150k movements the Chairman stated that this equated to 75k cycles, which equated to approximately 15 aircraft an hour for the working day, 365 days a year. Based on his expertise as a Squadron Leader in the RAF, during which he was a movement's officer, he did not think that Cranfield had the space to park that number of aircraft. The size of Cranfield Airport meant it did not have the capacity to deal with a volume of 15 aircraft an hour and he did not, therefore, believe that this would present a problem in the longer term.

On being put to the vote the application was unanimously approved.

RESOLVED

that Planning Application No. CB/17/05862/OUT relating to land north of Cranfield Airport, College Road (nearest post code MK43 0AH) be approved as set out in the Schedule attached to these minutes.

THE COMMITTEE ADJOURNED AT 12.57 P.M. AND RECONVENED AT 1.30 P.M. ALL MEMBERS OF THE COMMITTEE WERE PRESENT

DM/17/154. Planning Application No. CB/17/04643/FULL (Dunstable Icknield)

The Committee had before it a report regarding Planning Application No. CB/17/04643/FULL for the demolition of the existing hut and replacement of the Scout Hut with a new Scout Hut building at 109 Jeans Way, Dunstable, LU5 4PR.

In advance of consideration of the application the Committee's attention was drawn to amended conditions as set out in the Late Sheet.

In advance of consideration of the application the Committee received a representation from an objector to the application. Prior to the representation the Chairman referred to an email and attached document which had been sent to him by the objector with a request that the document be considered. He advised that the planning officer had circulated the document to all Members of the Committee.

A Member sought clarification from the objector regarding her comment that the applicant had refused to engage in discussions with her regarding her concerns. In response the objector stated that she had emailed a Scout Association representative who had been defensive in his response because, she felt, of her attempts to generate wider interest in the application. She was aware that other residents had made complaints about the existing Scout building with regard to parking and other issues. However, only certain properties had been consulted by the Council on the current application and no-one else appeared to be aware of it. She herself had not received an invitation to a public meeting organised by the Scout Association on the application. The objector stated that she had attempted further communications with the Scout Association representative setting out her concerns with a request to discuss them but she had not received any response.

Another Member referred to the objector's reference to security in her document and her comment during her representation that she did not wish to discuss the matter in public. The Member stated that without additional information being provided it was difficult to consider the issue further. In response the objector stated that she felt unable to provide any information on the basis that, if the application was approved, the potential security issue could be exploited. She also commented that other people who had seen the application plans had instinctively seen the issue to which she was referring and could not understand why it was not also apparent to the Member and to those who had attended the site inspection. In response the Member, who had attended the site inspection, stated that the security issue to which she referred was still not apparent to him.

In response to a query by the Chairman the objector advised that the security issue did not exist with the current Scout building. Another Member asked what aspects of the proposed building caused the security concerns. The objector replied that if she did so she would, in effect, state what the issue was. She further stated that she had offered (when giving her representation) to discuss the issues privately. The Chairman informed her that the offer to discuss matters privately caused difficulties for Members and suggested, as an alternative, that she speak to her ward Members to establish whether they shared her concerns. He added that neither had indicated, to date, that they did so.

A Member sought clarification from the objector as to why she had requested that the proposed gable pitched roof be replaced by a hipped roof. He added that if a hipped roof would help solve the objector's problems then it was something which could be easily implemented by the applicant. In response the objector explained that she had discussed the impact of the proposed building with designers who had a greater knowledge of building design and how buildings worked. Given the point of the sunrise and its direction of travel, if the proposed gable pitched roof was directly flat against her house the roof would block the sunlight. However, if the roof was hipped it would allow some

light through to the living room window. She stated that the window had been in the property since it was built and she and her family had always enjoyed the light through the window. She expressed concern that they would have to use artificial light despite the fact that it was possible for the proposed building design to be amended.

The Chairman stated that the application had been called in by one of the ward Members. Unfortunately, he was on holiday and therefore unable to attend the meeting and speak on the application. The other ward Member was also unable to attend due to a prior commitment. However, he had supplied the Chairman with a statement setting out his reasons for opposing the application and Chairman read this out to the Committee.

The planning officer responded to the issues raised as follows:

- With regard to the 'right to light' he referred Members to paragraph 3.5 of the report. He stated that he had visited the objector's property and observed that there was a second window to the front of the property which served the same room which appeared to be a joint living room diner. His assessment was that the light entering in by the front window was adequate to serve the room. Further the side window was obscure glazed. He did not believe the loss of light would impact negatively on residential amenity.
- On the matter of privacy he referred to the proposed rear elevation of the new building which would face the objector's property and pointed out that there were no windows proposed on that elevation. There was also a recommended condition which would remove any permitted development rights so that an application to the Council would be required if a window was sought. The planning officer stated that in view of these points, it was not considered that there would be a loss of privacy or overlooking to the objector's dwelling or to 107 or 111 Jeans Way.
- On the point that the gap between the rear of the proposed building and the side elevation of the objector's property would be two metres and would block the light the planning officer responded that, whilst the distance was limited, the side of the objector's property only had the one window and the view taken was that there would not be a harmful loss of light through that window.

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

- A Member worked through the outstanding objections within the report before commenting on the benefits arising from the provision of such facilities. He referred to the unease and concern generated by young people gathering in groups on the street and how Scout buildings provided them with an alternative place to meet. He felt that such buildings should be encouraged in residential areas as this was the area where young people would be found. He expressed his high regard for

the work undertaken by the Scout Association and the contribution that it made in the community. He added that he understood why the architect had chosen the building design as it maximised the space available whilst maintaining parking provision to the front. Whilst he still had reservations about the loss of light the impact had not been as detrimental as suggested and he could not find a reason to object. He moved the recommended approval of the application.

- The Chairman reminded the meeting that the objector had not suggested that the proposed building should be elsewhere although others had. With regard to the objector's request that the design could be changed to ameliorate the difficulties she had referred to, the Chairman reminded the meeting that the Committee was required to consider the application as presented and could not amend it.
- A Member referred to the security issue and, whilst only able to speculate on its nature, commented on the prevention of access by the side passages to the rear of the proposed building. The planning officer stated that a gate was shown on the front elevation drawing and the Member stated that this would be an improvement over the arrangement for the current Scout hut which had no access prevention.
- The Member then commented that had the Scout Association been willing to discuss the local objector's concerns the rear elevation and roof could have been redesigned to take account of any issues.
- In response to a query by the Chairman the planning officer stated that, on the drawing of the proposed front elevation, there was a fence and wall shown with a gate on the right hand side.
- Another Member stated that he thought the building horrible and that the applicant should have spoken to the objector in order to remedy the issues. The application could then have been dealt with under delegated authority. He added that a hipped roof could have easily been incorporated into the design if that would have satisfied the objector. He indicated that he would not vote for approval and that if the opportunity arose he would vote to refuse on the grounds of loss of amenity .
- A Member expressed uncertainty as to whether the inclusion of a gate on the submitted drawing meant that one would actually be installed and queried whether it would be necessary to impose a condition or informative to secure this. In response the planning officer stated that for the avoidance of doubt he saw no reason to prevent putting such a condition on the consent.
- A Member was of the opinion that the facilities within the proposed building would be compromised if a hipped roof was adopted. He also queried the requirement to install a gate and fence as the Committee would not do so for a residential dwelling. He added that they would provide somewhere for intruders to hide behind.
- A Member commented that the Committee would normally take its information from the document accompanying the planning submission rather than just the plan so if a gate and fence were shown on the plan then it also applied to the descriptive document. He stated that he had

no strong views on the need for the gate, acknowledged the previous Member's comments and felt there were points both for and against. He also commented on the need to avoid affecting disability rights. The Member stated that he was against the use of a condition to ensure a gate was provided as he did not know what the implications would be. He confirmed that he moved the approval only as set out in the officer's report and Late Sheet.

On being put to the vote 4 Members voted to approve the application, 6 voted against and 2 abstained.

It was then moved and seconded that the application be refused on the grounds of loss of amenity. On being put to the vote 6 Members voted to refuse the application, 4 voted against and 2 abstained.

RESOLVED

that Planning Application No. CB/17/04643/FULL relating to 109 Jeans Way, Dunstable, LU5 4PR be refused as set out in the Schedule attached to these minutes.

DURING CONSIDERATION OF ITEM 8 BELOW COUNCILLOR S DIXON ENTERED THE CHAMBER

DM/17/155. Planning Application No. CB/16/05513/FULL (Arlesey)

The Committee had before it a report regarding Planning Application No. CB/16/05513/FULL for the remodelling of the High Street, Primrose Lane, Mill Lane, Station Road junction and creation of a new southern access to land west of the High Street, demolition of existing site buildings and erection of two retail and twenty residential units at land and buildings at 35-41 High Street, builders office and entrance to Primrose Lane, Arlesey.

In advance of consideration of the application the Committee's attention was drawn to additional consultation/publicity responses, amended/additional conditions and additional informatives as set out in the Late Sheet. The planning officer also advised that two additional comments had been received from neighbours to the application site after the Late Sheet had been compiled. The neighbours had objected to the application and expressed concern over highways issues relating to traffic generation and parking provision. The planning officer stated that all of the issues had been covered within the officer report.

In advance of consideration of the application the Committee received a representation from an objector to the application under the public participation scheme.

A ward Member commented that the former garage forecourt (to the northern side of the junction) was full of cars as it was used as an informal parking space by local residents after 7.00 p.m. He also stated that, in his capacity as an Executive Member for Highways, he was constantly asked for parking enforcement in the area to resolve some of the traffic issues. Whilst the application attempted to meet planning requirements, including those for parking, the extensive use of the forecourt space exceeded the parking provision which would be provided by the proposed three parking spaces. The ward Member emphasised that he had concerns, as did Arlesey Town Council and others, on the proposed level of parking provision compared to the large number of vehicles already being parked on the site.

The ward Member next drew the Committee's attention to the Town Council's concern regarding the demolition of a 1920's Art Deco building and 19th century cottages should the development be approved. He did, however, acknowledge that demolition was necessary. He also acknowledged an element of conflict given that the previous application for the site had been approved and, technically, the current application met the Council's design guide requirements for parking spaces. The ward Member then reminded the meeting that the Town Council had not supported the previous application and it had asked the ward Member to make clear that it did not support the current one.

The ward Member stated that he could see the merits in the provision of the proposed roundabout, which he preferred to traffic lights, and which he felt would actually help with the traffic flow. He expressed appreciation of the applicant's decision to change the proposal with regard to this matter.

The ward Member stated that the Town Council had asked him to make the Committee fully aware its concerns regarding the application. He then commented that whilst it met the need to provide the link road through (in the form of a new southern access to land west of the High Street) and enabled a reduction in the traffic on the High Street the proposed shopping units would be difficult to fill given the construction of a new town centre just half a mile away. Whilst not part of the application before Members he stated that both he and the Town Council had taken this point into account.

The Chairman referred to matters raised by the objector relating to the absence of private open space for the occupants of the proposed flats and a lack of parking for the proposed commercial units and that neither, therefore, complied with the Council's design guide.

The planning officer responded to the points raised as follows:

- The absence of private amenity space in the form of balconies or any general amenity space for the flats had been balanced against this being essentially a previously approved scheme. Concessions had already been made with regard to the design of the development as a whole to ensure that the application was not a regurgitation of the previous scheme and that current parking standards were met and highways

matters addressed. She added that it wasn't possible to make significant improvements in order to provide additional amenity opportunities. Further, given that the application had been previously approved, the absence of private amenity space would not provide a standalone reason for refusal.

- She again stated that the current application was not simply a regurgitation of the previously approved scheme and there had been a number of concessions made with regard to the design and layout to ensure that there was better parking provision than previously approved. With regard to the retail parking she stated that it had been approved by the highways officer as appropriate. On this basis she felt that it was not possible to utilise the level of parking provision as a reason for refusal.
- In response to a query by the Chairman the planning officer confirmed that she believed the benefits outweighed the concerns which had been raised.

The Chairman commented that the Council's design guide was a guide that was subject to change.

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

- A Member stated that this was a previously conditioned scheme with some amendments and the Committee was, therefore, almost bound to approve the application before it unless some element was significantly different. He referred to the proposed flats and how the government was strongly encouraging increased density within town centres and the bringing forward of as many homes as was possible.
- The Member then commented on the Arlesey Cross Masterplan, possible new powers to local authorities under the National Planning Policy Framework (NPPF) and the role played by the provision of standalone access routes into the various sites within the Arlesey Cross development area. He also referred to the Committee's recent approval of an application for the northern end of the development area and suggested the Council's position should applicants fail to act in a manner considered conducive to future development. Following further comment he stated that he did not feel that it was possible to amend the current application and moved it.
- A Member's suggestion that the Council's design guide be reviewed and how this could be advantageous for the Committee when determining applications in the future. In response the Chairman advised the meeting that he understood a review was currently underway and a Member of the Committee, in his role as the Executive Member for Regeneration, confirmed this. Discussion took place on the origins of the design guide, its shortcomings and possible areas of focus.
- A Member's concern regarding the proposed combination of off plot and on street car parking as a solution to the parking issue and asked if no alternative was possible. In response the highways officer stated that

the residential units were fully provided for using on plot car parking. The planning officer added that the Master Plan allowed for the most appropriate parking solution to be provided and in this case this took the form of on plot parking for residents with on street parking bays off the High Street to serve the retail units.

On being put to the vote 10 Members for approval, 1 voted against and 1 abstained.

RESOLVED

that Planning Application No. CB/16/05513/FULL relating to land and buildings at 35-41 High Street, builder's office and entrance to Primrose Lane, Arlesey be approved as set out in the Schedule attached to these minutes.

DURING CONSIDERATION OF ITEM 9 BELOW COUNCILLOR S DIXON LEFT THE MEETING

DM/17/156. Planning Application No. CB/17/04986/FULL (Silsoe and Shillington)

The Committee had before it a report regarding Planning Application No. CB/17/04986/FULL for a mixed use development including 5 no. mixed use commercial premises (use classes A1, A2, A3, B1(a)), 1 no. commercial premises (class B1(a)) and 5 no. residential apartments (use class C3), together with associated parking and access on land at roundabout at junction of College Chase and Mander Farm Road, Silsoe, Bedford, MK45 4QP.

The Committee noted that a notable difference between the current application and the previously approved scheme was the joining of the two units and the utilisation of the roof space with the addition of dormers.

No additional consultation/publicity responses, additional comments or additional/amended conditions were set out in the Late Sheet. However, the planning officer advised of a comment from a local resident which had been received that morning. Concerns had been expressed on the design, the potential for noise and disturbance as a result of the car parking and bus stop location adjacent to the site. The planning officer responded to the issues raised.

Prior to consideration of the application the Chairman informed the Committee that Silsoe Parish Council had submitted a request to speak at the meeting earlier that morning. As the request had been submitted after the deadline of 5.00 p.m. the previous day the request had been refused. However, the Chairman asked the planning officer to respond to most if not all of the points raised by the Parish Council (as set out in the officer's report) in order to show that consideration had been given to their concerns.

In advance of consideration of the application the Committee received a representation from the agent for the applicant under the public participation scheme.

A Member sought clarification from the applicant's agent as to whether any interest had been shown in the provision of an A3 (restaurant) use in the proposed development. In response the agent explained that the application was for mixed use in order to establish what interest would be forthcoming. The Member added that the restaurant use would be restricted due to the need to close at 10.00 p.m. (Mondays to Saturdays) and queried whether this restriction would not hinder a restaurant's appeal. The applicant's agent replied that the location was geared towards the daytime and early evening economy rather than as a destination for diners. He stressed that the restaurant use was only one of the possible commercial uses which could operate from the development and the application sought a flexible consent for this reason.

The ward Member stated that she had intended to speak on behalf of Silsoe Parish Council but would now leave this to the planning officer. The ward Member then stated that she would focus on her main point which was a design principle. She referred to the nearby, attractive Miller Homes cottages which had been designed to complement the cottage frontage of the mediaeval High Street and had blended in extremely well. Turning to the application before Members she stated that the development was larger and higher than the approved scheme with an atrium linking what previously two separate units. The approved scheme allowed a view of the Miller Homes cottages behind but these would be obscured by a larger, solid and inappropriate building as the introduction to the village. She asked that the application be referred back to the developer to consider a reduction in height and dormers, restoring the separation of the two units in order to allow the existing, attractive street scene to be retained. In conclusion the ward Member referred to both the current agenda item and the previously one (minute 155 refers) and queried whether, if a previous application had been approved meant that a future revised application had little chance of succeeding, then there was little reason to consider a revised application.

The planning officer referred to the points raised as follows:

- The siting and proximity was very much the same as the previous scheme.
- The building footprint was larger as a central core joined the two units together. With regard to the height, however, the increase was not significant. The utilisation of the roof space had been previously agreed hence the requirement for the dormers to allow for that. The increase in height was around the central core section which she felt did not generate amenity concerns.
- In comparison with the approved scheme the design had been improved.

- With regard to the impact on public space the siting was relatively the same and it had no additional bearing or impact on the existing amenity space and amendments had been made in the course of the application to ensure there was no further impact on the nearby orchard.
- There had been an improvement regarding the elevations compared to the previous application.
- With regard to there being no proof of demand the application was for a flexible mixed use commercial premises so it would enable a better end use to be realised.
- There would be a s106 agreement attached to the consent to ensure appropriate marketing was undertaken and there was a commercial uptake.
- She understood that there was already an end user in mind for, at least, the office so she was confident with regard to there being some uptake.
- There was a conference centre previously on the site in association with Cranfield University which would have had some degree of traffic movement and she did not think that the proposed development was likely to generate any additional traffic levels. With regard to the comments on the lack of facilities for delivery vehicles and too little parking she stated that discussions with the highways officer had not revealed reasons to justify refusal on highways grounds.
- With regard to the absence of external amenity space in the development she stated that the provision of such space was only guidance within the Council's design guide and it was proposed to provide balcony space for residents' use. In addition there was landscaping and a footpath leading to Barton Road and a space there which could be used for amenity purposes. She stressed that these issues had been identified previously and landscaping opportunities had been developed and improved upon where possible.
- On the issue of potential for increased noise and disturbance, no particular concerns had been expressed as part of the public consultation. Further, the commercial unit was relatively distant from the residential element and so she felt it would not be possible to justify refusal on this basis.
- As part of the refurbishment of the walkway it would be realigned to ensure the retention of trees.
- Turning to the relationship between the development and adjoining properties she stated that the siting of the former hadn't changed. The planning officer added that the development's height directly adjacent to the existing properties had also not changed.
- With regard to the impact on the existing character she acknowledged the difference between the existing residential properties and the more contemporary design of the development but the latter's features, materials and quality would not lead it to be seen as obtrusive or unacceptable. The Chairman commented on the subjective nature of what constituted good or bad design.

The highways officer referred to the points raised as follows:

- The suggested parking provision met the Council's standards and so was acceptable.
- There was provision for deliveries on the site.
- There was conference centre on the site previously, permission for a slightly smaller development and the current application did not represent a great intensification of use, only amounting to approximately three trips a day which was relatively insignificant.

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

- A Member's comment that this was a beautiful place and that the cottages were very attractive. She acknowledged that it was unlikely that the application could be refused but expressed disappointment that the proposed development, due to its mass, scale and size, would block, for the existing dwellings, the outlook and was inappropriate for the setting.
- A Member's query which sought clarification on the use classes. In response the planning officer explained that use class A3, as set out in the application, covered a restaurant or café or mixture of both with some degree of drinking. Class A4 covered public houses and class A5 covered takeaway establishments and these were not included in the application.
- A Member's query with regard to how the highways officer had determined that three trips a day would be generated. In response the highways officer explained that he had been referring to the residential apartments and each would generate three trips a day and had overlooked the commercial units which although would be a little bit more but, nonetheless it was, overall, insignificant in comparison to the site's previous use as a conference centre. He added that, on that part of the wider highway network, there were no congestion issues.
- A Member referred to the adding of more detail and character to the exterior design of the units and welcomed the use of the roof area as a means of increasing the density of the development. He also believed that the main structure reflected the design of the old conference centre. He acknowledged that the cottages and general vista were very attractive and he would leave the site empty if land were not in such short supply. However, the Member felt the current application was a better development than that permitted and therefore supported its approval.
- A Member's request for clarification regarding public accessibility to the whole of the public orchard following public comment that the proposed 1.5m railing would prevent this. In response the planning officer explained that a number of improvements had been made to the boundary as a result of comments by the tree and landscaping officer in order to ensure that the public access would be maintained. She stated that the orchard would still be accessible through the development as

the proposed 1.5m fence only ran along the back of the retail unit bin area. Access would not, therefore, be restricted. Further, she understood that control of the orchard had passed to either the Parish Council or a community group so the clear intention was that public access would be maintained. Following discussion the Chairman sought clarification from the ward Member on the ownership of the orchard and whether the intention was that it remained open to the public. In response the ward Member stated that the orchard formed an integral part of the developing Neighbourhood Plan for the local community. The planning officer then clarified the extent of the application site and stated that the public orchard did not form part of it. In addition, the applicant would have no authority, if the application was approved, to prevent access and the proposed 1.5m railing along the rear edge of the site would not, in any case, do so. The Vice-Chairman drew the Committee's attention to the maps provided for the Committee's site inspection as they clearly illustrated various access points to the orchard.

On being put to the vote 10 members voted for approval, 1 voted against and 1 abstained.

RESOLVED

that Planning Application No. CB/17/04986/FULL relating to land at roundabout at junction of College Chase and Mander Farm Road, Silsoe, Bedford, MK45 4QP be approved as set out in the Schedule attached to these minutes.

DM/17/157. Late Sheet

In advance of consideration of the planning applications attached to the agenda the Committee received a Late Sheet advising it of additional consultation/publicity responses, comments and proposed additional/amended conditions. A copy of the Late Sheet is attached as an appendix to these minutes.

DM/17/158. Site Inspection Appointment(s)

NOTED

that the next meeting of the Development Management Committee will be held on 25 April 2018.

RESOLVED

that all Members and substitute Members along with the relevant ward representatives be invited to conduct site inspections on 23 April 2018.

DM/17/159. **Team Leader Sustainable Transport**

The Chairman advised the Committee that Ann Rowland (Team Leader Sustainable Transport) was retiring. In response Members expressed their appreciation of her services to the Committee and the Chairman asked that this be passed on to Ms Rowland.

(Note: The meeting commenced at 10.00 a.m. and concluded at 3.12 p.m.)

Chairman

Dated

Item No. 6	
APPLICATION NUMBER	CB/17/5862/OUT
LOCATION	Land North of Cranfield Air Park, College Road
PROPOSAL	Hybrid planning application relating to: Full planning application relating to proposed Air Park facility (Phase 1) to include 2 no. of aircraft hangars with ancillary atrium and offices; 1 no. of Fixed Base Operator (FBO) Airport Terminal building; 1 no. of ground support building; 1 no. of Class B1 office building; 1 no. of biomass energy centre; 1 no. of security gatehouse; 1 no. of fuel storage area; and associated development to include new roundabout junction, public art installations, runway resurfacing, airport apron, new taxi-way link, perimeter fencing, landscaping, car parking and accesses. Outline planning application relating to proposed Air Park facility (Phase 2) to include 3 no. of aircraft hangars; 1 no. of hotel; and associated development to include airport apron, new taxi-way link, perimeter fencing, landscaping, car parking (with all matters reserved except for layout and access).
PARISH	Cranfield
WARD	Cranfield and Marston Moretaine
WARD COUNCILLORS	Cllrs Morris, Matthews & Clark
CASE OFFICER	Matthew Heron
DATE REGISTERED	13 December 2017
EXPIRY DATE	10 April 2018
APPLICANT	Cranfield University and London Cranfield Jet Centre
REASON FOR COMMITTEE TO DETERMINE	Called-in by Cllr Clark as the development may have a significant impact upon the landscape and as it is a major application in open countryside, with traffic and noise implications.
RECOMMENDED DECISION	Full Application – Recommend Approval (subject to appropriate legal agreement) Outline Application – Recommend Approval (subject to appropriate legal agreement)

Recommendation:

That Planning Permission be GRANTED subject to completion of a s106 agreement and the following:

RECOMMENDED CONDITIONS:

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

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

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans;

17662/P001K Site location plan
17662/P029B Existing Site Plan (main site)
17662/P014E Proposed section plan (1)
17662/P015C Proposed elevations (FBO, Offices, Ground support)
17662/P016B Proposed elevations (Hangars 1 and 2)
17662/P017C Proposed ground floor plan (FBO, Offices, Ground support)
17662/P018B Proposed ground floor plan (Hangars 1 and 2)
17662/P019B Proposed 1F and 2F plans (FBO, Offices, Ground support)
17662/P020B Proposed first floor plan (Hangars 1 and 2)
17662/P021C Proposed section plan (2)
17662/P022A Proposed roof plan (FBO, Offices and Ground support)
17662/P023A Proposed roof plan (Hangars 1 and 2)
17662/P024C Proposed floor plans and elevations (Security gatehouse)
17662/P025A Proposed biomass energy centre – plans and elevations
17662/P028B Proposed fuel storage area – plans and elevations
17662/SK118J Air Park Phase 1 Masterplan
17662/P031C Proposed perimeter fencing plan
17662/P034 Runway Resurfacing Drawing

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

- 3 The B1(a) office space as shown on drawing no. 17662/SK118J shall be used for this and no other purpose.

Reason: To ensure the authority appropriately manages the uses within the Airpark.

- 4 Prior to first occupation of the buildings hereby approved full details on a suitably scaled plan of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out and retained as approved. The landscaping details to be submitted shall include:-

a) means of enclosure;

- b) existing and proposed finished levels and finished floor levels.
- c) planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix;
- d) details for all external hard surface within the site, including roads, drainage detail and car parking areas.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy DM14 of the Core Strategy and Development Management Policies 2009.

- 5 All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the development; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy DM14 of the Core Strategy and Development Management Policies 2009.

- 6 No equipment, machinery or materials shall be brought on to the site for the purposes of development hereby approved until details of substantial protective fencing for the protection of any retained tree(s), has been submitted to and approved in writing by the Local Planning Authority and the fencing has been erected in accordance with approved details. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason: To protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy DM14 of the Core Strategy and Development Management Policies 2009.

- 7 Prior to the first occupation of the buildings hereby approved, a scheme for external lighting shall be submitted to and approved in writing by the local planning authority. Subsequently, the development shall be carried out and retained in accordance with approved details.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS14, DM3 and DM14 of the Core Strategy and Development Management Policies 2009.

- 8 Prior to their construction, full specifications of the materials to be used for the external surfaces of buildings must be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall be carried out and retained in accordance with approved details.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS14, DM3 and DM14 of the Core Strategy and Development Management Policies 2009.

- 9 The development shall not commence until a Construction Method Statement and a Construction Traffic Management Plan has been submitted to and approved, in writing, by the Local Planning Authority. The statements shall include:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Details of how pedestrian and cyclist safety will be maintained
- g) Management of traffic to reduce congestion
- h) Control of dust and dirt on the public highway
- i) Details of consultation and complaint management with local businesses and neighbours
- j) Waste management proposals
- k) Mechanisms to deal with environmental impacts such as noise, air quality, light and odour.
- l) Storage of plant and materials used in the development.
- m) Wheel washing facilities.
- n) Footpath/footway/cycleway or road closures needed during the development period.
- o) Times, routes and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site) during the development of the site.

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

Reason: In the interest of highway safety and living conditions, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 10 Prior to first operation/occupation of buildings approved under Phase 1, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the rating level of sound emitted from any fixed plant and/or machinery associated with the development shall cumulatively not exceed a level 5dB(A) above the background sound levels established prior to development at any sound sensitive premises. All measurements shall be made in accordance with the methodology of BS4142 (2014) (Method for rating and assessing industrial and commercial sound) and/or its subsequent amendments

Reason: In the interest of living conditions, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 11 Prior to the construction of buildings hereby permitted, the applicant shall submit a scheme for the monitoring and control of air quality for the written approval of the local planning authority. Thereafter the development shall be operated in accordance with the agreed scheme.

Reason: In the interest of air quality in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 12 The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

1. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.

2. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.

3. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.

4. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together

with the necessary documentation detailing what waste materials have been removed from the site.

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

Reason: In the interest of human health in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 14 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks shall be passed through an oil interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: in the interest of water quality, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 15 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Drainage Strategy (December 2017) and an 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 also include details of how the system 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. This shall include:

a) Relevant permits and consents.

b) Details of the final proposed impermeable area, peak flow rate and storage requirement, with full calculations and methodology. The scheme to be submitted shall include provision of attenuation for the 1 in 100 year event (+ climate change) and demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event (+ climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

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 of the NPPF.

- 16 No building 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, in accordance with Policy CS13 of the Core Strategy and Development Management Policies 2009.

- 17 Prior to first operation of the development hereby approved, a Public Art Plan shall be submitted to and approved in writing by the Local Planning Authority. This Plan shall detail.

- a) Management - who will administer, time and contact details, time scales / programme.
- b) A brief for involvement of artists, site context, background to development, suitable themes and opportunities for Public Art.
- c) Method of commissioning artists / artisans, means of contact, selection process / selection panel and draft contract for appointment of artists.
- d) Community engagement - programme and events.
- e) Funding - budgets and administration.
- f) Future care and maintenance.

Commissioning of Public Art shall commence according to an agreed timetable and prior to any new occupancy.

The Public Art Plan shall be implemented in full and as approved.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS14, DM3 and DM14 of the Core Strategy and Development Management Policies 2009.

- 18 No development shall commence until a scheme for off-site tree planting, showing a canopy area for trees covering an area of up to 7.12Ha (30% of the overall site area for Phases 1 and 2) has been submitted to and approved in writing by the Local Planning Authority. A timetable for the implementation of this planting shall also be submitted to and approved in

writing. Planting shall thereafter be in accordance with details agreed in this regard.

Reason: In the interest of Marston Vale community Forest, in accordance with Policy CS17 of the Core Strategy and Development Management Policies 2009.

- 19 Notwithstanding the installation of the fuel storage area under drawing ref. 17662/P028B, no buildings shall be occupied until the junction of the proposed new roundabout as shown on drawing ref. '7560/SK/011 RevA' Crawley Rd/Astwood Rd Roundabout has been fully constructed in accordance with the approved details.

Reason: in order to minimise danger, obstruction and inconvenience to users of the highway and the premises, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 20 No buildings shall be occupied until the junction of the proposed vehicular access with the highway to serve those buildings have been fully constructed in accordance with the approved details.

Reason: in order to minimise danger, obstruction and inconvenience to users of the highway and the premises, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 21 Development shall not be occupied until the visibility splay at the junction of the access with the public highway shown on the approved drawing has been provided. All parts of the splays shall thereafter be kept free of all obstructions above the adjacent carriageway 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), in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 22 No building shall be occupied until approved cycle storage has been provided and the vehicle parking spaces have been properly surfaced and marked out/provided in accordance with the approved drawing. The spaces shall thereafter be kept available for parking, cycles and other vehicles at all times.

Reason: to minimise the potential for on-street parking and thereby safeguard the interest of the safety and convenience of road users, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 23 No building(s) shall be occupied until the off-site highway improvement in line with Drawing Ref. '7560-SK-004 RevA' has been fully implemented in accordance with the approved details.

Reason: in order to minimise danger, obstruction and inconvenience to users of the highway and the premises, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 24 Prior to the commencement of any operations, the applicant shall submit a 'Noise Management Plan' (NMP) for the approval of the local planning authority. Thereafter the development shall be operated in accordance with the agreed plan. In addition, the applicant shall annually submit a report in writing to the Local Planning Authority for review and approval. The report shall be made no later than 28 days after the end of each annual period, shall be assessed by a specialist in aviation noise and shall contain the following as a minimum:

- A scheme for public consultation, agreed by the Council in writing, undertaken in support of the Noise Management Plan (NMP) prior to its submission to the Local Planning Authority;
- Demonstrate the on-going commitment to working towards best practice in airport operations, with particular reference to noise reduction and mitigation. Evidence in this regard shall be submitted to the Council;
- An agreed strategy to engage with surrounding communities to better understand their concerns and priorities through measures to include an airport consultative committee;
- Information on number and type of complaints to the airfield relating to noise for the previous year and mechanisms to seek to address complaints and mitigate inappropriate noise levels. The developer must also provide a scheme to engage communities to convey the mechanism for the complaints process;
- A review of current and emerging policy, guidance and best practice, and set it into context with the operations at the Air Park;
- The results of the annual noise monitoring survey;
- Summary of operations over the preceding 12 months, summarised by number of flights, typical distribution and aircraft type;

- Predicted changes in noise levels for the following 12 months;
- A forecast of operations for the coming year and changes to the operation or management of the airfield to control or reduce noise and if that is expected to trigger any threshold;
- Any operational measures necessary to respond to the above data/analysis;
- An agreed statement on the qualifying criteria for the Sound Insulation Scheme if any properties are deemed to fall within the 63dB contour or higher.

Reason: In the interests of noise protection, in accordance with Policy DM3 of the Development Management Core Strategy 2009.

25 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: in the interest of biodiversity, in accordance Policy CS18 of the Core Strategy and Development Management Policies 2009.

26 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: in the interest of biodiversity, in accordance Policy CS18 of the Core Strategy and Development Management Policies 2009.

- 27 The development shall be for 'Business Aviation' only. 'Business Aviation' means flying activities and operations that are dedicated to the needs of companies, individuals and organisations which require a premium priced service for a high degree of mobility, a high standard of service and flexibility and privacy in aviation services. This definition excludes such activity in connection with bulk freight services and 'inclusive tour' scheduled holiday charter airliner services.

Reason: In the interest of amenity and noise protection, in accordance with Policy DM3 of the Development Management Core Strategy 2009

- 28 The area enclosed by the 57dB(A) LEq16hr (07.00-23-00) contour, shall not, as a result of the airpark operation hereby approved, exceed the area of the relevant identified contour within Figure 8.7 (page 41) of the submitted 'Environmental Statement – Technical Annex 7 – Noise and Vibration Dated'

Reason: In the interest of living conditions, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 29 Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

- 30 Application for approval of the reserved matters shall be made to the local planning authority not later than five years from the date of this permission.

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

- 31 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

- 32 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans;

17662/P002G Site location plan
17662/P033A Existing Site Plan (main site)
17662/P013K Air Park Phasing Plan with eastern elevation
17662/P026B Proposed elevations (Hangars)
17662/P027C Locational parameters plan
17662/P030B Proposed apron and taxi-way access plan
17662/P032C Proposed perimeter fencing plan
17662/SK119K Air Park Phase 2 Masterplan

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

- 33 Prior to first occupation of the buildings hereby approved full details on a suitably scaled plan of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be in addition to those shown on the approved plans and shall be carried out and retained as approved. The landscaping details to be submitted shall include. :-

- a) means of enclosure;
- b) existing and proposed finished levels and finished floor levels;.

- c) planting plans, including specifications of species, sizes, planting centres, planting method and number and percentage mix; and
- d) details for all external hard surface within the site, including roads, drainage detail and car parking areas.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy DM14 of the Core Strategy and Development Management Policies 2009.

- 34 All planting, seeding or turfing and soil preparation comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of the development; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy DM14 of the Core Strategy and Development Management Policies 2009.

- 35 No equipment, machinery or materials shall be brought on to the site for the purposes of development hereby approved until details of substantial protective fencing for the protection of any retained tree(s), has been submitted to and approved in writing by the Local Planning Authority and the fencing has been erected in accordance with approved details. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended .
(Sections 7 & 11, NPPF).

- 36 The hotel as illustrated on Drawing Ref. '17662/SK119K' shall be of Class C1 use and for no other use.

Reason: To allow the Local Planning Authority to appropriately manage the uses at the site, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

37 The development shall not commence until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The statement shall include:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Details of how pedestrian and cyclist safety will be maintained
- g) Management of traffic to reduce congestion
- h) Control of dust and dirt on the public highway
- i) Details of consultation and complaint management with local businesses and neighbours
- j) Waste management proposals
- k) Mechanisms to deal with environmental impacts such as noise, air quality, light and odour.

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

Reason: In the interest of highway safety and living conditions, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

38 Prior to the first occupation of the buildings hereby approved, a scheme for external lighting shall be submitted to and approved in writing by the local planning authority. Subsequently, the development shall be carried out and retained in accordance with approved details.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS14, DM3 and DM14 of the Core Strategy and Development Management Policies 2009.

39 Prior to first operation/occupation of buildings approved under Phase 2, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the rating level of sound emitted from any fixed plant and/or machinery associated with the development shall cumulatively not exceed a level 5dB(A) above the background sound levels established prior to development at any sound sensitive premises. All measurements shall be made in accordance with the methodology of BS4142 (2014) (Method for rating and assessing industrial and commercial sound) and/or its subsequent amendments

Reason: In the interest of living conditions, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 40 Prior to the construction of buildings hereby permitted, the applicant shall submit a scheme for the monitoring and control of air quality for the written for the approval of the local planning authority. Thereafter the development shall be operated in accordance with the agreed scheme.

Reason: In the interest of air quality, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 41 The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

1. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.

2. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.

3. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.

4. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

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

Reason: In the interest of human health, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 42 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas for fifty car park spaces or more and hardstandings shall be passed through an oil interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: in the interest of water quality, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 43 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Drainage Strategy (December 2017) and an 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 also include details of how the system 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.

a) Permits and consents.

b) Details of the final proposed impermeable area, peak flow rate and storage requirement, with full calculations and methodology. The scheme to be submitted shall include provision of attenuation for the 1 in 100 year event (+ climate change) and demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event (+ climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

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 of the NPPF.

- 44 No building 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.

45 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of biodiversity, in accordance Policy CS18 of the Core Strategy and Development Management Policies 2009.

46 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the

developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: In the interest of biodiversity, in accordance Policy CS18 of the Core Strategy and Development Management Policies 2009.

47 Prior to the commencement of any operations, the applicant shall submit a 'Noise Management Plan' (NMP) for the approval of the local planning authority. Thereafter the development shall be operated in accordance with the agreed plan. In addition, the applicant shall annually submit a report in writing to the Local Planning Authority for review and approval. The report shall be made no later than 28 days after the end of each annual period, shall be assessed by a specialist in aviation noise and shall contain the following as a minimum:

- A scheme for public consultation, agreed by the Council in writing, undertaken in support of the Noise Management Plan (NMP) prior to its submission to the Local Planning Authority;
- Demonstrate the on-going commitment to working towards best practice in airport operations, with particular reference to noise reduction and mitigation. Evidence in this regard shall be submitted to the Council;
- An agreed strategy to engage with surrounding communities to better understand their concerns and priorities through measures to include an airport consultative committee;
- Information on number and type of complaints to the airfield relating to noise for the previous year and mechanisms to seek to address complaints and mitigate inappropriate noise levels. The developer must also provide a scheme to engage communities to convey the mechanism for the complaints process;
- A review of current and emerging policy, guidance and best practice, and set it into context with the operations at the Air Park;
- The results of the annual noise monitoring survey;

- Summary of operations over the preceding 12 months, summarised by number of flights, typical distribution and aircraft type;
- Predicted changes in noise levels for the following 12 months;
- A forecast of operations for the coming year and changes to the operation or management of the airfield to control or reduce noise and if that is expected to trigger any threshold;
- Any operational measures necessary to respond to the above data/analysis;
- An agreed statement on the qualifying criteria for the Sound Insulation Scheme if any properties are deemed to fall within the 63dB contour or higher.

Reason: In the interests of noise protection, in accordance with Policy DM3 of the Development Management Core Strategy 2009.

- 48 Notwithstanding the granting of planning permission, no enclosure of the land (Merchant Lane) shall take place until such time as the highway rights over the land have been formally extinguished by a formal Stopping Up Order made under Section 247 of the Town and Country Planning Act 1980 or by the application to the Magistrates Court under Section 117 of the Highways Act 1980.

Reason: In the interest of highway safety, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 49 Prior to first operation of the development hereby approved, the visibility splay at the junction of the access with the public highway as shown on the approved drawing '7560-SK/005 RevB' shall be provided. All parts of the splays shall thereafter be kept free of all obstructions above the adjacent carriageway level.

Reason: to provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic which is likely to use it, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 50 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a vehicular turning area for an 11.5m long refuse collection vehicle within the curtilage of all premises taking access directly from the public highway.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 51 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall include car and cycle parking in accordance with Central Bedfordshire Design Guide September 2014 or other such documents that replace them has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the development is occupied and the car and cycle parking areas shall not thereafter be used for any other purpose.

Reason: to ensure a satisfactory standard of development in accordance with the Central Bedfordshire Design Guide September 2014, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 52 No building shall be occupied until a footway scheme from the existing footway on Crawley Road in the village of Cranfield to the access to diverted PRoW network (FP22) has been provided in accordance with details of a scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers' equipment or street furniture shall be re-sited to provide the unobstructed footway to the crossing.

Reason: in the interests of road safety and pedestrian movement, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 53 The development shall be for 'Business Aviation' only. 'Business Aviation' means flying activities and operations that are dedicated to the needs of companies, individuals and organisations which require a premium priced service for a high degree of mobility, a high standard of service and flexibility and privacy in aviation services. This definition excludes such activity in connection with bulk freight services and 'inclusive tour' scheduled holiday charter airliner services.

Reason: In the interest of amenity and noise protection, in accordance with Policy DM3 of the Development Management Core Strategy 2009

- 54 No development shall commence until a scheme for off-site highways improvements (including a timetable for their implementation) required as a result of development approved under 'Phase 2' has been submitted and approved in writing by the Local Planning Authority. Subsequently the development shall be carried out in accordance with approved details.

Reason: In the interests of road safety and pedestrian movement, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

- 55 The area enclosed by the 57dB(A) L_{Eq}16hr (07.00-23-00) contour, shall not, as a result of the airpark operation hereby approved, exceed the area of the relevant identified contour within Figure 8.7 (page 41) of the submitted 'Environmental Statement – Technical Annex 7 – Noise and Vibration Dated'.

Reason: In the interest of amenity and noise protection, in accordance with Policy DM3 of the Development Management Core Strategy 2009

- 56 No building(s) shall be occupied until revised drawings showing horizontal deflection to the off-site highway improvement in line with drg 7560-SK-008 Rev A have been submitted, approved in writing by the Local Planning Authority and fully implemented in accordance with the approved details.
Reason: in order to minimise danger, obstruction and inconvenience to users of the highway and the premises, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

INFORMATIVE NOTES TO APPLICANT

1. 1 This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicant is advised that in order to comply with the conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
3. The applicant is advised that all car parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Design Guide 2014.
4. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

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

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

Item No. 7

APPLICATION NUMBER	CB/17/04643/FULL
LOCATION	109 Jeans Way, Dunstable, LU5 4PR
PROPOSAL	Demolition of the existing and replacement of the Scout Hut with a new Scout Hut building
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Chatterley
CASE OFFICER	Peter Vosper
DATE REGISTERED	28 September 2017
EXPIRY DATE	23 November 2017
APPLICANT	The Scout Association Trust Corporation
AGENT	Kyle Smart Associates
REASON FOR COMMITTEE TO DETERMINE	Called-in by Cllr McVicar if the application is recommended for approval for the following reasons:
	<ul style="list-style-type: none">• Overlooking adjacent properties• Potential for lettings causing more nuisance
RECOMMENDED DECISION	Full Application - Recommended for Approval

That planning permission be refused for the following reason:

- 1 The proposed replacement Scout Hut building would result in a loss of amenity to the occupants of No. 11 The Retreat. The proposal is therefore contrary to Section 7 (Householder Alterations and Extensions) of the Central Bedfordshire Design Guide, Policy BE8 of the South Bedfordshire Local Plan Review, January 2004, and Section 7 (Requiring good design) of the National Planning Policy Framework (NPPF), March 2012.

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Item No. 8

APPLICATION NUMBER	CB/16/05513/FULL
LOCATION	Land and buildings at 35 - 41 High Street, builders office and entrance to Primrose Lane, Arlesey
PROPOSAL	Remodelling of the High Street, Primrose Lane, Mill Lane, Station Road junction and creation of a new southern access to land west of the High Street, demolition of existing site buildings and erection of two retail and twenty residential units
PARISH	Arlesey
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Donna Lavender
DATE REGISTERED	09 December 2016
EXPIRY DATE	10 March 2017
APPLICANT	Warden Developments Limited, Samuel Beadie (Arlesey) Limited
AGENT	Phillips Planning Services Limited
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Major Development with Town Council Objection Full Application - Recommended for Approval, subject to the completion of a S106 agreement

Recommendation:

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

RECOMMENDED CONDITIONS

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

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

- 2 **Development shall not begin on Phase two (as identified blue on plan number 17-01 Phasing Plan), until all construction and technical details of the remodelling of the junction including any necessary amendments to the approved drawings, to ensure it operates satisfactorily prior to the completion of the link road and its connection with the High Street at its northern end, the provision of a loading bay on the northern side of the link road and of parking restrictions on both sides of the new link road have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.**

Reason: In the interest of highway safety and in order to minimise danger, obstruction and inconvenience to users of the highway, in accordance with policy DM3 of the Core Strategy and section 7 of the NPPF.

- 3 No development above base course level on each phase (as identified on plan 17-01 Phasing Plan) shall take place until details of all external materials for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To control the appearance of the buildings in the interests of the visual amenities of the locality in accordance with Policy DM3 of the Core Strategy and Section 7 of the NPPF.

- 4 **No development shall take place for each phase (as identified on plan 17-01 Phasing Plan) until a detailed surface water drainage scheme for that phase of the site including a management and maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The scheme design shall be based on sustainable drainage principles in accordance with the Council's Sustainable Drainage SPD and an assessment of the hydrological and hydro geological context of the development. The scheme shall be implemented in accordance with the approved details and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

Reason: This condition is pre-commencement condition as it is important 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 Section 10 of the NPPF.

- 5 **No development shall take place for each phase (as identified on plan 17-01 Phasing Plan) until a landscaping scheme relevant to that phase 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 condition is pre-commencement condition as it is important to ensure an acceptable standard of landscaping, in accordance with Sections 7 and 11 of the NPPF.

- 6 Any external lighting to be installed, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall not

be installed until details have been submitted to approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.

Reason: To protect the visual amenity of the site and in the interests of biodiversity in accordance with Policy DM3 of the Core Strategy and Section 7 of the NPPF.

- 7 No development above base course level for each phase (as identified on plan 17-01 Phasing Plan) shall take place until a plan for that relevant phase has been submitted to and agreed 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 and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality, in accordance with Section 7 of the NPPF.

- 8 **No development shall take place for each phase (as identified on plan 17-01 Phasing Plan) until details of the existing and final ground and slab levels of the buildings relevant to that phase hereby approved have been submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: This condition is pre-commencement condition as it is important to ensure that an acceptable relationship results between the new development and adjacent buildings and public areas. (Section 7, NPPF)

- 9 No development above base course level for each phase (as identified on plan 17-01 Phasing Plan) shall take place until details of materials to be used in the construction of all road surfaces, footways and parking areas, including kerbs relevant to that phase, have been submitted to and approved in writing by the Local Planning Authority. The surfaces shall be constructed in accordance with the approved details.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality. (Section 7, NPPF)

- 10 No building /dwelling for each phase (as identified on plan 17-01 Phasing Plan) shall be occupied until a scheme for the provision of ecological enhancement measures relevant to that phase has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the development provides a net gain in biodiversity. (Section 11, NPPF)

11 **No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:-**

- **proposals for environmental activities and timing;**
- **construction activities and timing;**
- **plant and equipment; construction traffic;**
- **details of site compounds, offices and areas to be used for the storage of materials;**
- **emergency planning and incidents**
- **on site procedures for traffic management and parking, air and dust quality, noise and vibration, temporary surface water drainage during construction**

The CEMP shall be implemented in accordance with the approved details for the duration of the construction period.

Reason: This condition is pre-commencement condition as it is important that details are required prior to work commencing on site in order to minimise danger, obstruction and inconvenience to users of the highway and the site.

12 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order with or without modification) no garage accommodation may be converted to additional living accommodation.

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.

13 Any external service kiosks and equipment boxes to serve the development will not be provided unless the location and method of enclosure has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure that such equipment is located in unobtrusive positions in the streetscape and compliments the materials and appearance of the surrounding development. (CS14 and DM3 of the Core Strategy and Section 7 of the NPPF.)

14 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order with or without modification) no building erected for the protection of gas transporter plant or machinery, electricity plant or machinery, or telecommunications equipment shall be permitted until detailed plans and elevations have been submitted to and approved in writing by the Council.

Reason: To ensure that such equipment is located in unobtrusive positions in the streetscape and compliments the materials and appearance of the surrounding development. (CS14 and DM3 of the Core Strategy and

Development Management Policies 2009)

- 15 **No development shall take place until a written scheme of archaeological investigation; that includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.**

Reason: This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National Planning Policy Framework (NPPF)* 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. (Section 12, NPPF)

- 16 Details, including acoustic specifications of all fixed plant, machinery and equipment to be used by reason of the granting of this permission shall be submitted and approved in writing by the Local Planning Authority before installation. The development shall be carried out in accordance with the approved details and maintained in that form thereafter.

Reason: To protect the amenity of future occupiers, in accordance with policy DM3 of the Core Strategy and Section 7 of the NPPF.

- 17 The retail premises shall not be used except between the hours of 0700 to 2200 Monday to Saturday and 1000 to 1800 on Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: To protect the amenity of future occupiers, in accordance with Policy DM3 of the Core Strategy and Section 7 of the NPPF.

- 18 Deliveries by commercial vehicles shall only be made to or from the retail premises between the 0800 to 1800 hours Monday to Saturday, and at no time on Sundays, Bank or Public Holidays without the prior agreement in writing by the Local Planning Authority.

Reason: To protect the amenity of future occupiers, in accordance with Policy DM3 of the Core Strategy and Section 7 of the NPPF.

- 19 No building shall be occupied on each phase (as shown on plan number 17-01 Phasing Plan) until the refuse collection and storage facilities as shown on the Refuse details dated 21.03.18 have been carried out in accordance with these approved details.

Reason: In the interest of amenity. (Policy DM3 of the Core Strategy for the North and Section 7 of the NPPF)

- 20 **No development shall take place for each phase until a further survey of the site affected by that phase, has been undertaken to ascertain as to whether there are any bats roosting on the site. If any bats are found to**

exist on site the details of measures to be undertaken to safeguard those protected species shall be submitted to and approved in writing by the Local Planning Authority. The protection measures shall be implemented to as approved in accordance with a timetable to be agreed.

Reason: This condition is pre-commencement to enable proper consideration of the impact of the development on the contribution of nature conversation interests to the amenity of the area. (Policy DM15 of the Core Strategy for the North and Section 11 of the NPPF)

- 21 If, during development, contamination not previously identified is found to be present on either phases, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out on that phase until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To protect and prevent pollution of controlled waters (that is inland freshwaters and groundwater) in accordance with the NPPF.

- 22 No building shall be occupied before the relevant car parking/loading area/cycle parking for each phase as been constructed and made available. The relevant car parking/loading area shall be permanently retained thereafter.

Reason: To ensure that adequate car parking/loading facilities/cycle parking are provided at the site. (Policy DM3 of the Core Strategy and Section 4 of the NPPF)

- 23 **No development shall take place for each phase of development (as identified on plan 17-01 Phasing Plan) until the following has been submitted to and approved in writing by the Local Planning Authority:**

A Phase 2 investigation report as recommended by the previously submitted LBH Wembley Land Contamination Assessment dated August 2016 ref LBH 4101 ver 1.5, along with a Remediation Method Statement should the Phase 2 discover the need for remediation.

**Reason: To ensure that the site is suitable for its end use and to protect human health and the water environment.
(Section 11, NPPF)**

- 24 No occupation of any permitted building for each phase of development (as identified on plan 17-01 Phasing Plan) until the following (relevant to the phase) has been submitted to and approved in writing by the Local Planning Authority:

- A Validation Report by means of which the effectiveness of the remediation implemented by any Remediation Method Statement shall be demonstrated to the Local Planning Authority (to incorporate photographs and depth measurements).

Any unexpected contamination discovered during works should be brought to

the attention of the Planning Authority.

Reason: To protect human health and the environment (Section 8 of the NPPF)

- 25 **No development shall take place for each phase (as identified on plan 17-01 Phasing Plan) until a scheme for protecting the proposed dwellings within that relevant phase from noise from road traffic and noise from the retail premises adjacent and attached to the proposed development has been submitted to and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed and shown to be effective before any permitted dwelling is occupied and thereafter maintained in accordance with the approved details.**

Reason: To protect the amenity of future occupiers of the proposed development. (Policy DM3 of the Core Strategy for the North and Section 7 of the NPPF).

- 26 **No development shall take place until wheel-cleaning facilities which prevent the deposit of mud or other extraneous material on the highway during the construction period have been install at all vehicular site exists and made operational and the Site Developer(s) shall ensure that these are used by all vehicles exiting the site until the development has been substantially completed or until the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

Reason: This condition is pre-commencement, in the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period. (Policy DM3 of the Core Strategy for the North and Section 7, NPPF)

- 27 No building/dwelling for each phase (as identified on plan 17-01 Phasing Plan) shall be bought into use until a Public Art Strategy has been submitted to an approved in writing by the Local Planning Authority. The Strategy shall address suitable themes and artistic opportunities; artists briefs and commissioning arrangements; strategies for community 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 DM3 of the Core Strategy and Section7 of the NPPF)

- 28 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 001-01A (Site Location Plan), P01L (Site Layout Plan), 04 Rev E (Proposed Layout/Junctions), 05 Rev D (Swept Path Analysis Arctic), 06 Rev D (Swept Path Analysis Large Car), 08 Rev A (Swept Path Analysis Private Drive), P08

(Existing Road Layout), P02E (Block A Ground & 1st Floor Plans), P03E (Block A 2nd Floor & roof Plans), P04G (Block A Elevations), P05C (Block B Floor Plans), P06C (Block C Floor Plans), P07C (Block D Plans), 101C (Drainage Private), 102A (Drainage), 151A (Site Survey), 154A (Highway Sections), 156A (Highway Details), 17-01 (Phasing Plan), Transport Assessment Rev B, Design & Access Statement Nov 2016, Refuse details dated 21.03.18, Land Contamination Assessment Ver 1.5, Noise Impact Assessment First Issue and Ecological Appraisal Sept 2016.

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

- 29 Development shall not begin on Phase 1 (as identified red hatched on plan number 17-01) until all construction and technical details of the access located to the south of No. 43 High Street Arlesey that shows it to be 4.8m wide has been approved by the Local Planning Authority and no building shall be occupied on Phase 1 until the junction has been constructed in accordance with the approved details.

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

- 30 Development shall not begin on phase two (as identified blue hatched on plan number FS-01) until details of the junction of the proposed vehicular access with Primrose Lane have been approved by the Local Planning Authority and no building shall be occupied on Phase 2 until the junction has been constructed in accordance with the approved details.

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

- 31 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the land reserved for the proposed section of relief road within the development have been submitted to and approved by the local planning authority. [The land shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

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

- 32 The proposed vehicular accesses 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 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. (Section 4, 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 National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. The applicant is advised that in order to comply with highway conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
5. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to. The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, should also be adhered to.

There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the

HSE.

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

6. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.
7. Notwithstanding the granting of planning permission, no enclosure of the land shall take place until such time as the highway rights over the land have been formally extinguished by a formal Stopping Up Order made under Section 247 of the Town and Country Planning Act 1980 or by the application to the Magistrates Court under Section 117 of the Highways Act 1980.
8. **Management and maintenance of adoptable streets**
The applicant is advised that to discharge highway conditions, that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
9. **Section 278 Agreement**
The applicant is advised that in order to comply with Condition 1,2 and 3 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Contract Team, Central Bedfordshire Highways, , Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
highwaysagreements@centralbedfordshire.gov.uk
10. **Surface Water Drainage**
The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Highways Contract Team, Central Bedfordshire Highways, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
11. **New Roads and Street Works Act**
The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Streetworks

Team Central Bedfordshire Highways, Priory House, Monks Walk,
Chicksands, Shefford, Bedfordshire, SG17 5TQ or by email at:
streetworks@centralbedfordshire.gov.uk

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

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

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Item No. 9

APPLICATION NUMBER	CB/17/04986/FULL
LOCATION	Land at Roundabout at Jnct of College Chase and Mander Farm Road Silsoe, Bedford, MK45 4QP
PROPOSAL	Mixed use development including 5 No mixed use commercial premises (use classes A1, A2, A3, B1(a)), 1 no commercial premises (class B1(A)) and 5 No residential apartments (use class C3), together with associated parking and access.
PARISH	Silsoe
WARD	Silsoe & Shillington
WARD COUNCILLORS	Cllr Ms Graham
CASE OFFICER	Donna Lavender
DATE REGISTERED	16 October 2017
EXPIRY DATE	15 January 2018
APPLICANT	GPS Estates Ltd
AGENT	Michael Hardiman & Associates LLP
REASON FOR COMMITTEE TO DETERMINE	Major application with parish council objection on the following grounds (in summary): <ul style="list-style-type: none">• Building footprint and heights larger;• An unacceptable relationship between the new development and public space• Elevations are uninspiring;• No proof of demand for this type of use• No solutions for the management of additional traffic• No provision for delivery vehicles• Too little parking• No external amenity space for apartment residents;• Further landscape should be provided;• Potential for increased noise and disturbance in the locality from proposed uses;• Requires condition for refurbishment and illumination of pedestrian walkway.
RECOMMENDED DECISION	Full Application - Recommended for Approval subject to the completion of a S106 agreement and following the end of consultation and no new material planning issues being raised.

Recommendation:

That Planning Permission be APPROVED subject to the completion of a s106 agreement and the following:

RECOMMENDED CONDITIONS

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

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

- 2 **No development shall take place until details of the existing and final ground and slab levels of all 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. Thereafter the site shall be developed in full accordance with the approved details.**

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

- 3 **No development shall take place until a detailed landscaping scheme to include all hard and soft landscaping and boundary treatment, particularly new planting to the eastern boundary of the site. A scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme will be submitted to and approved in writing by the Local Planning Authority with the proposed landscaping scheme. 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 condition is pre-commencement as planting will need to be ordered prior to construction, to ensure an acceptable standard of landscaping in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 4 **No A3 use class hereby permitted shall be brought into operation until a scheme for protecting sensitive receptors from food preparation and cooking odours has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter unless an alternative scheme has been approved in writing by the Local Planning Authority.**

Reason: In the interests of neighbouring amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 5 **No use class (A1, A2, A3 and/or B1) shall be brought into operation** until a scheme for protecting residential dwellings from noise from fixed plant machinery and equipment has been submitted to and approved in writing by the local planning authority. Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality or distinguishable characteristics) when measured or calculated according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: In the interests of neighbouring amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 6 The commercial premises shall not be used except between 07.00hrs and 22.00hrs Monday to Saturday and 08.00 to 18.00hrs Sundays and Public Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: In the interests of neighbouring amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 7 Deliveries by commercial vehicles to the commercial units shall only be made to or from the site between 07.00 hours and 21.00 hours Monday – Saturday, and between 08.00 hours and 18.00hours Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: In the interests of neighbouring amenity in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

- 8 **No development shall commence at the site before details of how the development will achieve 10% or more of its own energy requirements through on-site or near-site renewable or low carbon technology energy generation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: In the interest of sustainability.

- 9 Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Unless agreed otherwise with 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.

- 10 **No development shall take place until a scheme detailing provision for on site parking for construction workers and deliveries for the duration**

of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

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

- 11 **No equipment, machinery or materials shall be brought on to the site for the purposes of development until details of substantial protective fencing for the protection of any retained tree(s), has been submitted to and approved in writing by the Local Planning Authority and the fencing has been erected in the positions indicated in the Arboricultural Method Statement Rev B. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.**

Reason: This condition is pre-commencement and the protection for the trees will need to be implemented prior to construction, to protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended.
(Sections 7 & 11, NPPF)

- 12 **No development shall take place until details of a scheme of biodiversity enhancement have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.**

Reason: This condition is pre-commencement as any enhancement may require the retention of certain species or habitats and to enable proper consideration of the impact of the development on the contribution of nature conservation. (Section 11, NPPF)

- 13 **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 DM3 of the Core Strategy and Section 7, NPPF)

- 14 **No development shall take place until wheel-cleaning facilities which prevent the deposit of mud or other extraneous material on the highway during the construction period have been installed at all vehicular site exists and made operational and the Site Developer(s) shall ensure that these are used by all vehicles exiting the site until the development has been substantially completed or until the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

Reason: In the interests of the amenity and to prevent the deposit of mud

or other extraneous material on the highway during the construction period.

(Policy DM3 of the Core Strategy for the North and Section 7, NPPF)

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2017/898/01A, 2017/898/02, 2017/898/03, 2017/898/04, 3177.Barton.MHS.TPP Rev B, 3177.Barton.MHA.AIP.Rev B, W01754-400 P01.

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

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
4. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 0300 300 8049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

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.

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 28 MARCH 2018

Item 3 Minutes

Please note that the minutes of the meeting of the Development Management Committee held on 28 February 2018 are not ready. They will be submitted to the next meeting for approval.

Item 6 (Supplement - Pages 3-103) – CB/17/05862/OUT – Land north of Cranfield Airport, College Road.

Additional Consultation/Publicity Responses

Cranfield Parish Council has further comments that it wishes to make with regard to the Cranfield Airpark application:

1. ECOLOGY

Cranfield P Cllr Heather Webb, who is a Local Authority Ecologist has the following comments:

Ecologically speaking I have two key issues with this application. They are, in order of descending urgency:

1. The application does not satisfy the requirements of NPPF paragraph 118, which states:

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *if significant harm resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused (my emphasis).*

A key impact of the proposed development would be the loss of over 20ha of semi-improved grassland. The application documents have failed to illustrate how this loss would be mitigated or compensated. Section 8.51 of the Environmental Statement states that 'construction is assumed to result in the direct loss of 38.68 ha of land.

However, a very small percentage of these habitats are likely to be retained and subsequently enhanced...however, these retained/enhanced habitats are likely to be small in the overall site context'.

I note in the case officer's report that a condition has been proposed to secure up to 7.12ha of off-site tree planting. This is specifically to satisfy Core Strategy Policy CS17 related to the Marston Vale Community Forest. This planting is additional to -

and not a substitute for - mitigation or compensation measures required by the NPPF.

To satisfy the mitigation hierarchy in accordance with paragraph 118, applicants need to demonstrate a) how biodiversity impacts will be avoided, b) how unavoidable impacts will be mitigated, and c) how any impacts remaining after avoidance and mitigation will be compensated. **This application fails to do so, and therefore in my view the application does not meet the requirements of NPPF paragraph 188.**

2. A breeding bird survey has not been done for this application. Section 4.59 of Technical Annex 3 Ecology states that 'a preliminary walkover ornithological assessment of the Site was conducted on 18 September 2017'. This is not a substitute for an actual survey. During the walkover however 'a total of 19 species were recorded, including a number of potential breeding species...based on the habitats present and the species recorded during the walkover survey, it is considered likely that at least 20 species would breed at the Site, and potentially up to 30+ species'. These species include the red-listed linnet, song thrush and skylark, which as a ground-nesting species is particularly vulnerable to the proposed development.

All species of wild bird are protected within Great Britain under the provisions of the Wildlife and Countryside Act 1981. Under *BS42020:2013 Biodiversity - Code of practice for planning and development*, and ODPM Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and their Impact Within the Planning System 'the presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted; otherwise all material considerations might not have been considered in making the decision'.

Surveys were done for bats, reptiles and other protected species. I see no reason why a breeding bird survey has not been done as well. General conclusions have been extrapolated from a single walkover visit, however it has not been established precisely which species are breeding on the site, and where that breeding activity is located in relation to the development area. I believe that 'the extent to which [breeding birds] could be affected by the proposed development' has not been fully established in accordance with BS42020:2013 and Circular 06/2005.

With applications of this size and significance I normally see a broad range of ecological survey data spanning several years, as this scale of project normally takes years to come forward and good baseline of information is needed to inform a range of decisions. This application appears to be supported by a single year's survey data, which I find extraordinary. I would have expected much better of a world-class university.

Heather Webb MSc MCIEEM

2. NOISE REVIEW

When the Parish Council submitted their noise review from James Trow, his covering email and summary was accidentally omitted. This is copied, below.

The Parish Council considers that the planning decision should be delayed until the noise assessment work and proposals are improved, as recommended in James' review.gsd gsd

3. OFFICER REPORT

The Parish Council notes that the Officer report does not record that Cranfield PC object on Landscape and Visual Impact grounds. The Parish Council would like this to be corrected.

The Parish Council also notes that the Parish Council's letter of the 12th March asking certain questions and included the noise review has not been appended to the committee papers. The Turnberry response to the noise review however has been appended.

This seems unfair, and the Parish Council requests that this is rectified.

The Parish Council requests that this letter is also reproduced in full in the late report.

James Trow Email accompanying his noise review:

Please find attached my draft review report.

As you will see there are a number of concerns that I raise with the noise assessment and associated proposals. It is my view that the information provided within the Environmental Statement has a number of shortcoming in relation to policy, regulations and guidance. There are areas of technical concern too.

My conclusions are provided in Section 3 and I encourage that a planning decision is delayed until the noise assessment work and the proposals are improved. The information provided cannot and should not be used as a basis for decision making.

Please note that this is our draft review and we will want to amend to include relevant footnotes and some other details we have identified which are not so critical as those highlighted in the draft.

Kind regards
James

Additional Comments

Within the description for Phase 2 within the Officer report, the Officer would like to remove any reference to the maximum scale of the buildings. The full scale of buildings proposed under Phase 2 would be assessed at Reserved Matters stage. Members are therefore advised to disregard the words 'up to' in reference to the possible height of the hotel building.

Further, for clarity, conditions 12 and 40 specifically relate to the nature of investigations to be carried out concerning contaminated land. They do not refer to the 'Phases' of this hybrid application itself.

Additional/Amended Conditions

Amendments

Condition 18 has been amended to read:

- 18 No development shall commence until a scheme for off-site tree planting, showing a canopy area for trees covering an area of up to 7.12Ha (30% of the overall site area for Phases 1 and 2) has been submitted to and approved in writing by the Local Planning Authority. A timetable for the implementation of this planting shall also be submitted to and approved in writing. Planting shall thereafter be in accordance with details agreed in this regard.

Reason: In the interest of Marston Vale community Forest, in accordance with Policy CS17 of the Core Strategy and Development Management Policies 2009.

Conditions 27 and 54 have been amended to read:

The development shall be for 'Business Aviation' only. 'Business Aviation' means flying activities and operations that are dedicated to the needs of companies, individuals and organisations which require a premium priced service for a high degree of mobility, a high standard of service and flexibility and privacy in aviation services. This definition excludes such activity in connection with bulk freight services and 'inclusive tour' scheduled holiday charter airliner services.

Reason: In the interest of amenity and noise protection, in accordance with Policy DM3 of the Development Management Core Strategy 2009.

New Conditions

Two new conditions are recommended (one for each Phase) ensuring that the decibel levels do not at any point exceed the maximum predicted levels within the Environmental Statement. These conditions shall read:

The operation of the Airpark shall not result in decibel levels that exceed those identified within contours at Figure 8.7 (page 41) of the submitted 'Environmental Statement – Technical Annex 7 – Noise and Vibration'.

Reason: In the interest of living conditions, in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009.

Item 7 (Pages 13-26) – CB/17/04643/FULL – 109 Jeans Way, Dunstable, LU5 4PR.

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Amended Conditions

2. The building hereby approved shall be used primarily as a facility for the use of all activities concerned with beavers, cubs and scouts, and other uses consisting of a mother and toddler group, an education facility for Diabetes patients, a neighbourhood watch group, a prayer group, a family history group and as a rehearsal space for drama performances, or uses directly equivalent to the aforementioned uses. The building shall not be used for any other purposes than these specified uses.

Reason: To protect the amenity of neighbouring residential occupants, and to control car parking and traffic impacts.

(Policy BE8, SBLPR and Sections 4 and 11, NPPF)

3. The building hereby approved shall only be open for use between the hours of 09:00 and 21:30, and shall not be open for use at any other times.

Reason: To protect the amenity of neighbouring residential occupants.

(Policy BE8, SBLPR and Section 11, NPPF)

Item 8 (Pages 27-56) – CB/16/05513/FULL – Land and buildings at 35-41 High Street, builders office and entrance to Primrose Lane, Arlesey.

Additional Consultation/Publicity Responses

Arlesey Town Council (21.02.18):

Arlesey Town Council considered the proposed revision to the Five Ways application (No. 16/05513) at a meeting held on 20th March 2018 and resolved to reiterate OBJECTIONS contained within our letter dated 18th January 2017.

Specifically, the Town Council does not consider that the proposed amendments have addressed its concerns relating to:

- insufficient on-street parking which will be exacerbated by the proposed development,

- the retention of buildings, including the 19th century Arlesey White Cottages and 1920's art deco building on Primrose Lane, considered locally to be of historic value.

I trust these comments will be relayed to the DMC at its pending meeting. It is not proposed to send a Town Council delegate on this occasion.

Amended Conditions:

19: No building shall be occupied on each phase (as shown on plan number 17-01 Phasing Plan) until the refuse collection and storage facilities as shown on the Refuse details dated 21.03.18 have been carried out in accordance with these approved details.

Reason: In the interest of amenity. (Policy DM3 of the Core Strategy for the North and Section 7 of the NPPF)

28: The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 001-01A (Site Location Plan), P01L (Site Layout Plan), 04 Rev E (Proposed Layout/Junctions), 05 Rev D (Swept Path Analysis Arctic), 06 Rev D (Swept Path Analysis Large Car), 08 Rev A (Swept Path Analysis Private Drive), P08 (Existing Road Layout), P02E (Block A Ground & 1st Floor Plans), P03E (Block A 2nd Floor & roof Plans), P04G (Block A Elevations), P05C (Block B Floor Plans), P06C (Block C Floor Plans), P07C (Block D Plans), 101C (Drainage Private), 102A (Drainage), 151A (Site Survey), 154A (Highway Sections), 156A (Highway Details), 17-01 (Phasing Plan), Transport Assessment Rev B, Design & Access Statement Nov 2016, Refuse details dated 21.03.18, Land Contamination Assessment Ver 1.5, Noise Impact Assessment First Issue and Ecological Appraisal Sept 2016.

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

Additional Conditions

29. Development shall not begin on Phase 1 (as identified red hatched on plan number 17-01) until all construction and technical details of the access located to the south of No. 43 High Street Arlesey that shows it to be 4.8m wide has been approved by the Local Planning Authority and no building shall be occupied on Phase 1 until the junction has been constructed in accordance with the approved details.

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

30. Development shall not begin on phase two (as identified blue hatched on plan number FS-01) until details of the junction of the proposed vehicular access with Primrose Lane have been approved by the Local Planning Authority and no building shall be occupied on Phase 2 until the junction has been constructed in accordance with the approved details.

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

31. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the land reserved for the proposed section of relief road within the development have been submitted to and approved by the local planning authority. [The land shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

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

32. The proposed vehicular accesses 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 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.
(Section 4, NPPF)

Additional Informatives

Notwithstanding the granting of planning permission, no enclosure of the land shall take place until such time as the highway rights over the land have been formally extinguished by a formal Stopping Up Order made under Section 247 of the Town and Country Planning Act 1980 or by the application to the Magistrates Court under Section 117 of the Highways Act 1980.

Management and maintenance of adoptable streets

The applicant is advised that to discharge highway conditions, that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Section 278 Agreement

The applicant is advised that in order to comply with Condition 1,2 and 3 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Contract Team, Central Bedfordshire Highways, , Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

highwaysagreements@centralbedfordshire.gov.uk

Surface Water Drainage

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

New Roads and Street Works Act

The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Streetworks Team Central Bedfordshire Highways, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ or by email at: streetworks@centralbedfordshire.gov.uk

Item 9 (Pages 57-70) – CB/17/04986/FULL – Land at roundabout at junction of College Chase and Mander Farm Road, Silsoe, Bedford, MK 45 4QP.

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

None.