

## CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 18 July 2018

### PRESENT

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

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

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

Members in Attendance: Cllrs J Chatterley  
J Kane  
R Morris  
R D Wenham

Officers in Attendance: Mr D Ager Principal Highways Officer  
Ms P Bramwell Planning and Highways Solicitor,  
LGSS Law  
Mr J Ellis Planning Manager South  
Mr A Harrison Principal Planning Officer  
Mr S Kemp Planning Officer  
Mr D Lamb Planning Manager North  
Mr L Manning Committee Services Officer  
Mr T Mead Planning Officer  
Ms K Morrow Planning Officer  
Mr R Page Principal Highways Officer  
Mr M Plummer Principal Planning Officer  
Ms S Sherwood Committee Services Officer

### DM/18/40. **Chairman's Announcements and Communications**

The Chairman advised the meeting that the order of business for the planning applications would be as follows:

Items 7, 9, 6, 8.

DM/18/41. **Minutes**

**RESOLVED**

**that the minutes of the meeting of the Development Management Committee held on 20 June 2018 be confirmed and signed by the Chairman as a correct record.**

(Note: The minutes of the meeting held on 23 May 2018 had not been published).

DM/18/42. **Members' Interests**

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

	<b>Item</b>	<b>Nature of Interest</b>	<b>Present or Absent during discussion</b>
Cllr I Dalgarno	3	After the last meeting he had met with one of the objectors to Planning Application CB/18/00192/OUT and explained that the Committee was non-political and operated in accordance with planning law.	Present
Cllr K Matthews	9	Knows one of the speakers as she is a Lidlington Parish Councillor and he attends the Parish Council's meetings. Kerrison Close has been discussed many times at the Parish Council and although unable to remember if he was present he was certain that he would not have	Present

		taken part in any debate.	
Cllr T Swain	6	Knows the Houghton Regis Town Council speaker and lives in the ward though not close to the application site.	Present
Cllr S Clark	9	Knows the Lidlington Parish Council speaker by virtue of her (Cllr Clark's) role as the CBC ward Member. Was not present at the Parish Council when this item was considered.	Present

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

<b>Member</b>	<b>Item</b>	<b>Nature of Interest</b>	<b>Present or Absent during discussion</b>
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None.

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

<b>Member</b>	<b>Item</b>	<b>Parish/Town Council</b>	<b>Vote Cast</b>
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None.

DM/18/43. **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.

**DM/18/44. Planning Application No. CB/18/00192/OUT (Arlesey)**

The Committee had before it a report regarding Planning Application No. CB/18/00192/OUT for a residential development of The Paddocks, Clifton Farm Barns Road, Clifton, SG17 5EX with the erection of 7 detached houses and 7 semi-detached/terraced affordable houses.

Prior to consideration of the application the Chairman reminded Members that the application had been deferred at the June meeting of the Committee (minute DM/18/31 refers) and the reasons for this. He added that access still did not form part of the application but the report answered some of the concerns expressed by some Members with regard to that issue.

The legal officer confirmed that Members who had voted on the application in June could fully participate in the debate and vote on the item as various clarifications and additional information had been included in the report before them. The exception to participation was with regard to any Member of the Committee who had predetermined since the June meeting.

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

In advance of consideration of the application the Committee received representations from Clifton Parish Council, two objectors (sharing the allocated time) and the applicant under the public participation scheme. The Parish Council representative responded to a request for clarification.

A ward Member commented as follows:

- There had been very little change since the application was considered last month regarding the principle of development.
- There had been a successful appeal regarding the Langford Road application site in Henlow. The ward Member outlined the reasons given by the Planning Inspector in support of his decision with regard to Policies DM4 and CS16.
- Significant weight should be given by the Committee to the above appeal decision which wasn't available to the planning officer when the report on the site off Clifton Farm Barns Road was written.
- The appeal outcome was consistent with Members being able to reject the application as it was inconsistent with the Council's current planning policies.

The planning officer responded:

- The report set out a response to the comments raised regarding the infrastructure, the number of vehicles and local healthcare provision. Clifton was regarded as a sustainable location for development.

- The NPPF required the Council to boost the supply of housing in a sustainable way and officers felt that the application represented a sustainable development.
- Given the location of the site its relation to the existing built form and development on three of its four sides the level of impact on the surroundings did not justify refusal.
- The site was not part of the emerging Local Plan and had not been brought forward but limited weight was given to that Plan and assessment took place against the current Development Plan and its policies.
- Whilst contrary to Policy DM4 but in the planning balance the development was considered sustainable.
- The officer consideration of policy DM4 was consistent with the Inspector's approach in the Henlow application. The difference was that the Inspector felt there was considerable harm in landscape terms which outweighed the benefits offered whilst, for Clifton, the officers felt the impact was lower, as was the number of dwellings proposed.
- Given the characteristics of the site and its relationship to the countryside it was not felt that there was a harmful impact from the application so Policy CS16 was not applicable.
- There were economic and social benefits besides the provision of housing, the visual impact on the landscape was subjective and other consultees had raised no objections.

The highways officer responded:

- The highways assessment of the application was totally independent of that of the planning officer.
- Expectation of speeds not exceeding approximately 15 mph on that part Church Road was realistic and no further traffic calming measures were necessary. The road was of a rural nature and speeds were unlikely to be high. There were no recorded accidents in that area.
- Given the probable type of dwellings the related increase in vehicles would only generate a marginal increase in traffic movements and the highway could accommodate that.

The Committee considered the application and, in summary, commented as follows:

- A second ward Member, who sat on the Committee, stated:
  - Clifton Parish Council had supported the draft Local Plan and had accepted development including 'windfall' sites. However, it was now being expected to accept development on a site which had not come forward under the call for sites and had not been included in the draft Local Plan. He queried why it had not come forward and expressed concern that the applicant was submitting an application in which all matters were reserved.

- There was almost no building work at the existing development close to Clifton Farm Barns Road which should have been finished at the end of July.
- Although 50% of the development would be composed of affordable homes this only totalled seven dwellings.
- The relevant legal documentation did not guarantee that the proposed eastern access from Bilberry Road would be permitted and, as a result, it was likely that a lengthy court case would arise. This meant the viability of the development was in doubt and permission should not be granted until access was certain.
- With regard to the western access off Church Road into Clifton Farm Barns Road he had witnessed the speed of traffic approaching a vehicle waiting to turn into the latter to be in excess of 30 mph and the condition of the road did not deter high speeds as had been claimed. Vehicles were only likely to travel at 15 mph if turning into Clifton Farm Barns Road.
- Clifton Farm Barns Road was an existing unadopted road and refuse vehicles were unable to use it. The report did not indicate that this access would be improved to an adoptable standard so the new residents would join the existing in placing their bins at the junction with Church Street and contribute to an existing issue. There was insufficient space for a bin shed near the road junction and, further, the area was a Conservation Zone. Whilst the vision splays were acceptable for traffic travelling at 15 mph they were unsuitable for the actual speed of the traffic. The situation would be made worse by the placing of more bins on that junction for collection. The amenity of the existing residents of Clifton Farm barns would be adversely affected.
- Speed reduction measures were needed in Church Street in relation to the junction with Clifton Farm Barns Road but the area was a Conservation Zone and a working farm (Clifton Bury Farm) lay opposite the Barns. Any proposed measures should be considered by the Committee first.
- The Henlow appeal had considered the question of whether the benefits of that application outweighed the harm to the visual impact. That issue was also applicable to Clifton and the appeal of the physical attractiveness of the countryside in people's choice of where to live. Being surrounded on three sides by existing development did not justify building on the land.
- There was a lack of amenities in the village relating to shopping, health provision and schools which raised issues in relation to sustainability. The proposed Section 106 contributions would not provide more school places in the village but merely lead to the bussing of children to schools outside the area with vacancies. He stated that building should not take place if the educational capacity did not exist.
- In conclusion the ward Member stated that the application had been submitted too early and the outstanding issues, including the access to the site, should have been settled first.

- The Chairman reminded the meeting that the outline planning application before it was for the principle of development. Concerns had previously been expressed regarding access and whether its ownership could prevent the development from proceeding. The Chairman stressed that ownership of the access land was not a material planning consideration.
- A Member commented:
  - The access issue had been addressed by the highways officer and the Committee did not normally challenge the expertise of its officers unless a higher expertise was available.
  - The Council had met its five year land supply but the government was likely to significantly increase the target figure in the future. A bulwark against this would be helpful to the Council.
  - With regard to the loss of countryside arising from the application the Member referred to the major loss of Green Belt land in his own ward as a result of growth under the Local Plan. He suggested that if concern was felt regarding the loss of countryside then the Executive Members should take action to prevent such growth.
  - Anger had been expressed in his own ward at the growth being undertaken as a result of the Local Plan because local schools were oversubscribed. As Executive Members had not moved to refute the Local Plan and its support for growth those members needed to conform to it and apply it as necessary across Central Bedfordshire.
  - Executive Members, by supporting the draft Local Plan, were supporting major growth and could not refuse the application before them, especially given the level of development in his own ward.
- The second ward Member responded that the Committee did not have properly researched data on vehicle speeds, merely an officer commenting that he did not believe speeding took place.
- A Member commented:
  - The Council had a statutory obligation to provide an education to children. The Education team was satisfied with the application and had asked for S106 contributions towards education al provision.
  - The highways officer was satisfied though he (the Member) would wish to add additional informatives or conditions if possible.
  - The Local Plan had a 'windfall' element and the Council would need to bring forward sites that were adjacent to a settlement.
  - Policy DM4 did not provide an absolute means by which to reject sites. At a planning appeal the planning inspector described that

Policy as perhaps over prescriptive and that Policy SP7 could be seen as being so.

- In a few years the Council would face an increase in the number of new homes it was expected to make available annually so small appropriate sites would be encouraged to come forward.
- A Member commented:
  - The site could have come forward with just seven market sale homes. As that number was below the necessary threshold figure there would have been no requirement to provide affordable dwellings.
  - The dispersal of the affordable homes had been amended so they now formed an extension to an existing area of such dwellings. It was a logical and laudable way of providing social housing.
  - The existing building works near the site illustrated the scale of what was happening in the area and the proposed development would not provide any further disbenefit to local residents.
  - He sought confirmation that work was to be undertaken on Clifton Farm Barns Road to enable the road to be adopted.
- The highways officer responded:
  - An adoptable road layout had been requested from the developer. An application had subsequently been submitted which included the provision of a footway. The proposed changes would allow the adoption of Clifton Farm Barns Road and provide a turning area for refuse vehicles, thus removing the need for bin storage at the road junction to Church Street.
- The legal officer responded:
  - The applicant was entitled to submit either an outline or full planning application. An outline application could have some or all matters reserved as the application before Members did.
  - The applicant had confirmed that arrangements were in place for an eastern access to the site. There would normally be a development or other agreement in place to enable such matters to be settled. That access to the site was therefore not an issue.
  - The NPPF stated that planning permission must be determined in accordance with the Local Plan unless material considerations indicated otherwise. Whilst the site was not included in the Local Plan she reminded the meeting that the planning officer had set out such material considerations.
- A Member commented:

- The issues of sustainability were common to all villages in Central Bedfordshire.
  - Members of the Committee often felt dissatisfied with the highways guidance provided though assessments were based on the Council's adopted policies.
  - The total number of houses was minimal and the application should be considered on its merits.
  - It was unsatisfactory that the site access did not form part of the application and that there was a clear division between market and affordable homes. The distribution of affordable homes should have been 'pepper potted'.
  - The placing of refuse and other bins by the existing residents of Clifton Farm Barns Roade was unattractive and would worsen when the additional homes were built.
  - The Planning Inspectorate was inconsistent in how much weight was awarded to Policy DM4 and it was possible to find appeals which supported whatever viewpoint was held.
  - If the application were to be refused it would have to be based on Policy DM4 as it was difficult to find other reasons to do so.
  - The site should have come forward as part of the Local Plan process and have been properly assessed. Nonetheless the applicant was entitled to submit the application.
  - The Member indicated that, nonetheless, she would be voting against the application as she disliked it and was prepared to fight at appeal using Policy DM4 as the basis.
- A Member commented:
    - Expressing concern as to why, two apparently separate applications, clearly divided from each other and with their own proposed accesses, had been submitted together. If an application for the seven market dwellings had been submitted there would not have been an affordable requirement. If there had been an application for the affordable dwellings it could have been classed as a rural exception with a local reservations policy which would likely have gained local support.
    - Expressing concern regarding the issues to be determined as reserved matters. There was a fine balance as to whether the benefit outweighed the harm and it was not possible for the Committee to assess this as there were no details regarding such issues as access, traffic or bin storage.

On being put to the vote 7 Members voted for approval, 4 voted against and 1 abstained.

## **RESOLVED**

**that Planning Application No. CB/18/00192/OUT relating to Clifton Farm, Church Street, Clifton, Shefford, SG17 5EX be approved as set out in the Schedule attached to these minutes.**

**AT THE CONCLUSION OF ITEM 7 ABOVE COUNCILLOR R D WENHAM LEFT THE MEETING**

**THE COMMITTEE ADJOURNED AT 11.25 A.M. AND RECONVENED AT 11.35 A.M. ALL MEMBERS OF THE COMMITTEE WERE PRESENT**

DM/18/45. **Planning Application No. CB/17/02350/OUT (Cranfield and Marston Moretaine)**

The Committee had before it a report regarding Planning Application No. CB/17/02350/OUT for a residential development comprising three dwellings, with garages and on plot parking at land off Kerrison Close, Lidlington, Beds.

In advance of consideration of the application the Committee's attention was drawn to additional consultation/publicity responses, additional/amended conditions and additional informatives.

In advance of consideration of the application the Committee received representations from Lidlington Parish Council and the agent for the applicant under the public participation scheme. The agent responded to a request for clarification.

A ward Member commented as follows:

- The site was designated as open space and it would set a precedent if building was allowed to take place on it.
- That if the application was to be approved then conditions should be imposed requiring that the footpaths were open throughout the building works and a contractors' management plan implemented for such matters as working hours and access in view of the proximity of existing housing.

The planning officer responded:

- The site was designated in the Local Plan as green space and not as public open space which was why there was no management plan and therefore no enforcement action when it had become overgrown.
- The rights of way officer had no objection subject to conditions to allow better management of the right of way. This would be considered under reserved matters.
- The site layout was indicative so the impact on neighbours would be considered under reserved matters.
- With regard to the close proximity of the rail line and a previous Inspector's decision against a development, the pollution officer had been consulted and had no objection subject to conditions under reserved matters looking at the potential impact on the dwellings.

- The setting of a precedent was questionable given the lack of public access and therefore the level of amenity. The application should also be considered on its individual merits
- Given the condition of the site the level of loss was considered acceptable.

The highways officer responded:

- The proposed refuse collection turning area on the site would enable a fire tender to turn.
- The Council refuse vehicle would not itself enter as the development would be on private land.
- The roads in Kerrison Close were not adopted being 4.8m wide with no footpaths so that pedestrians had to walk in the road. However, there was good visibility for drivers and pedestrians.
- Crossing the footpath and bridleway was a public right of way issue and the right of way officer had raised no objection. Cars had access to public rights of way in other parts of Central Bedfordshire.

A second ward Member, who sat on the Committee, commented as follows:

- If the site was a green space without public access it did not matter if it was underused.
- If the site was not managed then it encouraged biodiversity.
- The footpath and bridleway running through the site were both well used, with good surfaces and provided access to the larger green space area nearby.
- The public right of way crossing the rail line formed part of the Timberland Trail, a circular walk which started at The Forest Centre, Marston Vale.
- If three houses were built they would urbanise what was an open space with a rural feel.
- There was a separate outline planning application from a different applicant for 5000 homes adjacent to Lidlington to the north of the railway line. However, the land was designated as green space in that applicant's master plan. The responses to the associated consultative events was for more green space to be added and this had been done. To build on the site before Members was, therefore, counter intuitive and went against the results of the consultation.
- Access from Kerrison Close was restricted with cars parked on both sides and a long running local concern regarding the absence of a footpath.
- The spacing and density in the housing estate were very tight. They were approved before the Council's design guide was adopted and did not conform to it.
- The estate was congested with parked cars.

The third ward Member, who was the Chairman of the Committee, expressed concern regarding the loss of the green space and the crossing of a well-used footpath and bridleway by vehicles.

The Committee considered the application and, in summary, commented as follows:

- It was queried whether the informative supplied by Network Rail and set out in the Late Sheet was for the correct crossing. The planning officer confirmed that the informative had been supplied by Network Rail and was correct as far as he was aware.
- The potential impact on residents as set out in the Network Rail informative was raised.
- The plan showing the depth of the remaining buffer zone between the rail line and the houses was queried as it looked deeper on the plan than at the site inspection. If the buffer zone was insufficient then was it a sustainable location. The planning officer confirmed that the plans were correct.
- As a point of clarification the planning officer stated that the site was actually designated as an accessible green space. A Member commented that the partial fencing off and lack of maintenance was the landowner's responsibility and the situation had been engineered to provide a reason to remove the site's designation and develop it.
- Clarification was sought on the sites designation and whether the bridleway was fenced off from the entrance at Lombard Street. The planning officer advised that it was designated in the Core Strategy and was one of the types of land that formed an accessible green space. As it wasn't accessible the land was either a natural green space or green corridor depending on interpretation.
- The railway line was to be upgraded leading to heavier use.
- The width of the site had been roughly measured on the site inspection and the maximum distance was only approximately 19m. This was insufficient to construct the homes and gardens, a road, a buffer zone and the bridleway and footpath.

It was moved and seconded that the application be approved.

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

It was then moved and seconded that the application be refused. The second planning officer advised that the reason for refusal should focus on the loss of the amenity function of the green space and the harm that would be caused to the character of the area.

On being put to the vote 7 Members voted to refuse the application, 4 voted against refusal and 2 abstained.

**RESOLVED**

**that Planning Application No. CB/17/02350/OUT relating to land off Kerrison Close, Lidlington, Beds. be refused as set out in the Schedule attached to these minutes.**

**AT THE CONCLUSION OF ITEM 9 ABOVE COUNCILLOR R MORRIS LEFT THE MEETING**

**THE COMMITTEE ADJOURNED AT 12.23 P.M. AND RECONVENED AT 12.27 P.M. ALL MEMBERS OF THE COMMITTEE WERE PRESENT**

DM/18/46. **Planning Application No. CB/17/04108/OUT (Houghton Hall)**

The Committee had before it a report regarding Planning Application No. CB/17/04108/OUT, an outline application for a residential development for up to 100 dwellings with all other matters except access reserved.

The Chairman advised the meeting that the case officer, Alex Harrison, would be leaving the Council in two weeks to work elsewhere. The Chairman, on behalf of the Committee, thanked Mr Harrison for his efforts and asked that the Committee's appreciation of his work be recorded.

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

In advance of consideration of the application the Committee received a representation from Houghton Regis Town Council. The Town Council representative responded to a request for clarification.

The ward Member commented on the following:

- The difficulty in accessing the site by road.
- The need for a footpath providing access to the site at the same time as the dwellings were built.
- The need to designate the 12 dwellings for those aged 55 or over as affordable housing to allow existing tenants to downsize and free up larger Council properties.
- The slight prematurity of the application given the neighbouring developments had not been started.

The planning officer responded to the points raised:

- Prematurity was not a reason to refuse the application.
- The infrastructure present at the time and its delivery was a material planning consideration.
- There was no time frame for providing facilities at the neighbouring Houghton Regis North (HRN) 1 and 2 sites.

- The site provided pedestrian links to adjacent sites but they would only link through once the residential parcels of those sites were delivered.
- A viability assessment justified the low level of affordable housing. It did not set a precedent so this was not a reason in itself to refuse.
- There had been successes in delivering accommodation restricted to persons 55 years old and over.
- The proposed dwellings were for market sale and it was not possible to amend this.
- The retention of the dwellings for use by the specified age range could be implemented by condition or the Section 106 agreement. Any change in the permitted age range would require a planning application to the Council.
- The Section 106 contributions were low as a result of the assessed viability of the application.
- The nearby Oakwell Park outline application had been refused but the circumstances between the two sites was different.
- The request for a pedestrian footpath along Thorn Road was met by one of the recommended additional highways conditions set out in the Late Sheet.
- The ideal approach would have been a holistic delivery with HRN2. However, a number of parcels of land, including the one before Members, did not form part of HRN2 so these sites would need to be dealt with individually. It was not a reason for refusal.

The Committee considered the application and, in summary, commented as follows:

- The site was isolated with no infrastructure or a footpath for children to walk to the nearest school and no land had been made available for a path. There would be a reliance on cars for journeys.
- There were a large number of concerns from technical consultees.
- Very special circumstances had not been demonstrated for building on the Green Belt.
- Whilst prematurity was not a planning reason the application would find more favour once local facilities and roads were in place around the development.
- There was an inadequate highways provision. The existing road was dangerous and the only part of the highway that could be widened was that immediately outside the application site under the applicant's ownership.
- There was major concern regarding the under-provision of affordable housing units (10% in contrast to the Council's policy of 30%). There was no clear explanation given for this. The possibility that this was due to the cost to the developer of purchasing the site and demolishing existing dwellings was an issue for the developer.
- The application was contrary to policy 14 of the NPPF as it was not a sustainable site.

On being put to the vote 12 Members voted to refuse the application, 0 to approve it and 1 abstained.

## **RESOLVED**

**that Planning Application No. CB/17/04108/OUT relating to Bury Spinney, Thorn Road, Houghton Regis, Dunstable, LU5 6JQ be refused as set out in the Schedule attached to these minutes.**

## **AT THE CONCLUSION OF ITEM 6 ABOVE COUNCILLOR J KANE LEFT THE MEETING**

### **DM/18/47. Planning Application No. CB/18/00735/FULL (Dunstable Icknield)**

The Committee had before it a report regarding retrospective Planning Application No. CB/18/00735/FULL for the installation of a two metre wide track measuring 210 metres at the Hadrian Academy, Hadrian Avenue, Dunstable, LU5 4SR. The artificial grass track was located on the perimeter of the school playing field and would be walked by children throughout the year as part of the 'Daily Mile' initiative

(Note: At this point in the proceedings Councillor J N Young left the meeting).

In advance of consideration of the application the Committee's attention was drawn to additional consultation/publicity responses and additional comments.

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

In clarification regarding the claims of increased noise levels during the day as a result of use of the track the applicant stated that the track was used during PE lessons during good weather and the number of users only increased on Friday mornings before school began when parents joined their children in walking the track. The earliest use of the track was 8.30 a.m. and the latest 4.15 p.m. No private use was permitted.

A ward Member welcomed the health benefits from the use of the track whilst acknowledging the concerns from neighbours regarding its location and the noise. He stated that he had advised the residents that he was sure a compromise could be implemented after the summer holiday. He had also advised that noise was not a planning issue.

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

- The major health benefits for children and parents from walking the track.
- That noise was to be expected from a school environment.

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

**RESOLVED**

**that retrospective Planning Application No. CB/18/00735/FULL relating to the Hadrian Academy, Hadrian Avenue, Dunstable, LU5 4SR be approved as set out in the Schedule attached to these minutes.**

DM/18/48. **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/18/49. **Site Inspection Appointment(s)**

**NOTED**

**that the next meeting of the Development Management Committee will be held on 15 August 2018.**

**RESOLVED**

**that all Members and substitute Members along with the relevant ward representatives be invited to conduct site inspections on 13 August 2018.**

(Note: The meeting commenced at 10.00 a.m. and concluded at 1.23 p.m.)

Chairman .....

Dated .....

**Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/18/00192/OUT</b>
<b>LOCATION</b>	<b>Clifton Farm, Church Street, Clifton, Shefford, SG17 5EX</b>
<b>PROPOSAL</b>	<b>Outline Planning Application - Residential development of The Paddocks, Clifton Farm Barns Road, Clifton SG17 5EX with the erection of 7 detached houses and 7 semi-detached/terraced assisted houses.</b>
<b>PARISH</b>	<b>Clifton</b>
<b>WARD</b>	<b>Arlesey</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Dalgarno, Shelvey &amp; Wenham</b>
<b>CASE OFFICER</b>	<b>Martin Plummer</b>
<b>DATE REGISTERED</b>	<b>19 January 2018</b>
<b>EXPIRY DATE</b>	<b>20 April 2018</b>
<b>APPLICANT</b>	<b>The Hale Trust</b>
<b>AGENT</b>	<b>BraesHall Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major application / departure to Development Plan</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Recommended for Approval</b>

**Recommendation:**

That Planning Permission be **APPROVED** subject to the applicant entering into a legal agreement to secure financial contributions and affordable housing and, subject to the following planning conditions:-

**RECOMMENDED CONDITIONS**

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter 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.

- 2 **No development shall take place until approval of the details of the access, layout, appearance, landscaping and scale of the development**

**(herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.**

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Existing Site Plan 1A, Location Plan 1A, Proposed Site Plan 2A, 001 A, 002 B, 003 B, 004 B, 005 B, 006 B, 007 B.

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

- 4 The number of dwellings approved on the site shall be restricted to 14 as shown on the approved drawings and application form.

Reason: To ensure that adequate provision of housing is provided which is justified in viability terms having regard to the conflict with policy DM4 of the CSDMP 2009.

- 5 Prior to any above ground works, an ecological design strategy addressing compensation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:-
- a) Review of the site potential and constraints.
  - b) Purpose and conservation objectives for the proposed works.
  - c) Detailed working methods to achieve stated objectives including locations of integrated bird and bat boxes to be erected in accordance with RSPB and BCT guidelines on appropriate scale maps and plans.
  - d) Details of lighting considerations to prevent disturbance to bats.
  - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
  - f) Timetable for implementation demonstrating that works are aligned with proposed phasing of development.
  - g) Persons responsible for implementing the works
  - h) Details of initial aftercare and long-term maintenance.
  - i) Details for disposal of any wastes arising from works
- The EDS shall be implemented in accordance with the approved details.

Reason: To ensure the proposal delivers satisfactory ecological gains in accordance with the National Planning Policy Framework.

- 6 Prior to the commencement of any development hereby permitted a detailed surface water drainage design shall be submitted to and approved in writing by, the Local Planning Authority. Where surface water drainage is provided in shared spaces on the site, the maintenance of this shall be secured by any means necessary and demonstrated to the LPA for approval. The final approved design shall be fully implemented and subsequently maintained, in

accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority

The scheme to be submitted shall include:

1. Plans and calculations showing sufficient disposal, storage and conveyance of surface water (up to and including for the 1in100 year event + a 40% allowance for climate change).
2. Results of site-specific infiltration testing to support the design of infiltration devices (carried out in accordance with BRE 365), or calculations to demonstrate greenfield rate/volume will not be exceeded where discharging off site and evidence that the downstream network shall have sufficient capacity, condition and outfall to accept the development's run off.
3. Details of the full design of the drainage scheme in its entirety and use of SUDS, including flow controls and water quality management.
4. Overview of proposed construction of the system and any phasing of works.
5. Confirmation of the management and maintenance arrangements for the surface water drainage system in its entirety, including any split in public and private responsibilities.

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and prevent the increased risk of flooding both on and off site for the lifetime of the development in accordance with para 103 NPPF and the Non-statutory technical standards for sustainable drainage systems (DEFRA, 2015); and to ensure that the implementation and long term operation of a sustainable drainage system is in line with what has been approved, in accordance with Written statement - HCWS161.

This planning condition is required to be pre-commencement in order to ensure adequate drainage design is approved and able to be implemented at the time of initial construction works relating to the development and in the interests of flood risk.

- 7 Prior to the commencement of development details of width and junction radii improvements of the existing junction/access road (Church Street/Clifton Farm Barns) shall be submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until that junction/access road has been constructed in accordance with the approved details.

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

This condition is pre-commencement to ensure adequate access arrangements into the site are provided for construction works in the interests of highway safety and access.

- 8 Visibility splays shall be provided at all internal road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the side road from its junction with the channel to the through road and 17m measured from the centre line of the side road along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.

Reason: To provide adequate visibility at road junction in the interest of road safety.

- 9 Within the submission of any reserved matters planning application, car and cycle parking and any roads or footpaths shall be laid out and drained in accordance with the Central Bedfordshire Design Guide September 2014 or other such documents that replaces it. In addition, within the submission of any reserved matters application, plans shall be provided to show an independent vehicular turning head for an 11.5 metre refuse collection vehicle.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road and to ensure a satisfactory standard of development in accordance with the Central Bedfordshire Design Guide September 2014.

- 10 Prior to the commencement of any above ground building works, details of the provision of lifetime homes for the affordable units shall be 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 ensure appropriate housing design for a wide age range of the population in accordance with policy DM10 of the CSDMP 2009.

- 11 Within the submission of any reserved matters planning application, details of parking to replace those displaced within Bilberry Road shall be submitted with layout drawings relating to the development. Such parking shall be located as close to, sofar as is practicable, to the existing dwellings in Bilberry Road effected by the removal of parking spaces associated with the approved development.

Reason: To ensure adequate provision of parking for existing residents within Bilberry Road.

## **INFORMATIVE NOTES TO APPLICANT**

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

### **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**

<b>APPLICATION NUMBER</b>	<b>CB/17/02350/OUT</b>
<b>LOCATION</b>	<b>Land off Kerrison Close, Lidlington, Beds</b>
<b>PROPOSAL</b>	<b>Outline: Residential development comprising 3 dwellings, with garages and on plot parking.</b>
<b>PARISH</b>	<b>Lidlington</b>
<b>WARD</b>	<b>Cranfield &amp; Marston Moretaine</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Morris, Matthews &amp; Mrs Clark</b>
<b>CASE OFFICER</b>	<b>Stuart Kemp</b>
<b>DATE REGISTERED</b>	<b>12 May 2017</b>
<b>EXPIRY DATE</b>	<b>07 July 2017</b>
<b>APPLICANT</b>	<b>Mr &amp; Mrs O'Connell</b>
<b>AGENT</b>	<b>Bletsoes</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Morris: - Loss of designated open space.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application – Recommended for Approval</b>

**Recommendation:**

That Outline Permission be **REFUSED** for the following reasons:

The proposal would result in the loss of an Accessible Green Space as designated within the North Core Strategy and Development Management Policies 2009. The Accessible Green Space creates a landscape buffer on the edge of the existing settlement of Lidlington which provides an appropriate and valued transition from the main built up village of Lidlington with the rural countryside to the north. As such the loss of this specific section of Accessible Green Space would result in a loss of existing amenity which would result in detrimental harm to the character and appearance of the area in conflict with policies DM3 and DM17 of the North Core Strategy and Development Management Policies 2009 and Chapter 7 of the National Planning Policy Framework 2012.

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**Item No. 6**

<b>APPLICATION NUMBER</b>	<b>CB/17/04108/OUT</b>
<b>LOCATION</b>	<b>Bury Spinney, Thorn Road, Houghton Regis, Dunstable, LU5 6JQ</b>
<b>PROPOSAL</b>	<b>Outline: Residential development for up to 100 dwellings with all other matters except access reserved.</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Goodchild &amp; Kane</b>
<b>CASE OFFICER</b>	<b>Alex Harrison</b>
<b>DATE REGISTERED</b>	<b>03 October 2017</b>
<b>EXPIRY DATE</b>	<b>02 January 2018</b>
<b>APPLICANT</b>	<b>C/O Agent</b>
<b>AGENT</b>	<b>Jeremy Peter Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Town Council objection to a major application Departure from the Development Plan</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Recommended for Approval</b>

**Recommendation:**

That Outline Planning Permission be **REFUSED** for the following reasons:

- 1 The site is located within the Green Belt and within the open countryside. The development as proposed would be brought forward without local infrastructure in place without proposing suitable infrastructure to accommodate the growth. The proposal is inappropriate and harmful to the Green Belt and very special circumstances that would outweigh the identified harm have not been established in this case, notably, but not exclusively by virtue of the isolated nature of this development creating a necessity and reliance on residents to access services via motor vehicle and a substandard provision of affordable housing. The proposal is not considered to amount to sustainable development and is therefore contrary to the advice of the National Planning Policy Framework and Policies BE8 and H4 of the South Bedfordshire Local Plan Review.

- 2 Having regard to the width and design of Thorn Road; the requirement for suitable footway and cycleway connections on Thorn Road; provision for suitable local transport services and infrastructure to serve the site the applicant has not demonstrated that safe and suitable access to the site, to promote sustainable modes of transport, can be achieved in the context of the existing highway and transport network and also in relation to the planned changes to the highway and transport network. The proposal is therefore contrary to paragraph 32 of the National Planning Policy Framework.
  
- 3 In the absence of a completed legal agreement securing the provision of affordable housing and financial contributions towards local infrastructure, the development would have an unmitigated and unacceptable impact on existing local infrastructure and would fail to make an acceptable contribution towards the local affordable housing stock. The development would be contrary to the Council's Affordable Housing Guidance Note for Central Bedfordshire (South Area) – Adopted April 2016 and paragraphs 50, 72 and 73 of the NPPF.

**Item No. 8**

<b>APPLICATION NUMBER</b>	<b>CB/18/00735/FULL</b>
<b>LOCATION</b>	<b>Hadrian Academy, Hadrian Avenue, Dunstable, LU5 4SR</b>
<b>PROPOSAL</b>	<b>Installation of a 2 metre wide track measuring 210m. (Retrospective)</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Icknield</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs McVicar &amp; Chatterley</b>
<b>CASE OFFICER</b>	<b>Nicola Darcy</b>
<b>DATE REGISTERED</b>	<b>23 February 2018</b>
<b>EXPIRY DATE</b>	<b>20 April 2018</b>
<b>APPLICANT</b>	<b>Miss H Bennett</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The proposal is on Council land and has received objections which cannot be overcome by conditions.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Approval</b>

**Recommendation:**

That Planning Permission be APPROVED subject to the following:

**RECOMMENDED CONDITIONS**

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 422 101 A.

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

**INFORMATIVE NOTES TO APPLICANT**

1. This permission is granted under the provisions of Section 73A of the Town and Country Planning Act 1990.

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

Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## LATE SHEET

### DEVELOPMENT MANAGEMENT COMMITTEE – 18 JULY 2018

#### ***Item 6 – CB/17/04108/OUT – Bury Spinney, Thorn Road, Houghton Regis, Dunstable, LU5 6JQ.***

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

###### Affordable Housing

In terms of the affordable housing being delivered on this site, we need to ensure that all 10 dwellings are 100% affordable rent to maximise the impact on the waiting list and housing need in the area. In terms of a proposed affordable mix for the affordable units at Bury Spinney, the following mix has been derived;

- 2 x 1 beds flats
- 2 x 2 bed houses
- 0 x 3 bed
- 6 x 4 bed house

The above mix has been discussed with Nick Costin, Head of Housing Solutions. The mix has been derived through internal discussions and supported through internal gap analysis reporting, waiting list information etc for Houghton Regis and the neighbouring area, where larger 4 bed homes are in shortest supply. Larger families are stuck in overcrowded homes or in Temporary accommodation, waiting for a home to move on to. As the site is delivering only 10% affordable housing, the Council's most critical need (4+ beds) should be provided.

The gap analysis of social housing looks to estimate the stock required to meet the Housing Register demand in Central Bedfordshire and seeks to identify deficits of particular stock types/sizes in each housing area, through:

- a) the static view by considering supply vs demand.
- b) the dynamic view by considering lettings, turnover, potential for freeing up properties through social housing transfers.

Whilst the gap analysis illustrates a high current demand 1 and 2 bed homes in Houghton Regis in terms of the Housing Register, the provision of 4 bed homes normally results in the subsequent provision of 2 and 3 bed homes where overcrowded families are able to move on. The smallest supply of affordable homes for many years is 4 bed homes in the south of the area, where gap analysis has indicated that families wanting homes in the Dunstable area (adjoining Houghton Regis) have to wait for around 20 years for a 4 bed due to lack of supply. So, supply of 4 bed homes normally results in a supply of smaller homes as well, a "win, win." Note – the four bed homes must not be "small" 4 beds, i.e. not 1 double and three single rooms.

The mix outlined for Bury Spinney is reflective of evidenced housing needs and lack of supply over previous years and to providing the mix of affordable rented required for maximising the impact on meeting critical housing need in the Houghton Regis area of Central Bedfordshire. Whilst it is disappointing we have not achieved the full policy compliant level of affordable housing, the mix for 100% affordable rent will ultimately be providing affordable housing for those in the greatest housing needs, whilst impacting in a positive way on meeting critical housing need.

To confirm the affordable mix;

<b>Unit Type</b>	<b>Number of affordable rent units</b>
1 Bed Flat (GF accessible)	2
2 Bed House	2
3 Bed House	0
4 Bed House	6

### **Additional Comments**

The report advises clarification on proposed S106 contributions will be provided.

The viability of the site set aside a pot of £820,000 for S106 contributions. This was done previously on the basis of education contributions sought during the first application.

Having considered the contributions it is recommended that this entire sum continue to be used for education infrastructure as it is an established need in Houghton Regis. The amounts sought would be as follows:

EY	£69,488
Primary	£324,280
Secondary	£426,232
Total	£820,000

### **Additional/Amended Conditions**

Highway Conditions:

Development shall not begin until details of the improvements to Thorn Road fronting the site have been approved by the Local Planning Authority and no building shall be occupied until those improvements have been constructed in accordance with the approved details. Such improvements shall include a 5.5m carriageway and 2.0m footway on either side of that carriageway.

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

Development shall not begin until details of the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that 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 of the proposed estate road.

***Item 7 – CB/18/00192/OUT – Clifton Farm, Church Street, Clifton, Shefford, SG17 5EX.***

**Additional Comments**

Members will be aware that paragraph 2.4 of the Officer Committee Report outlines that affordable housing will be secured through the S106 agreement. The applicant has further agreed to the trigger for affordable units to be, 'not to occupy more than four of the open market dwellings until all of the affordable housing units have been constructed and offered for sale to a registered provider of Social Housing', or any other such trigger that Members consider is reasonable.

**Additional Consultation/Publicity Responses**

A third party representation has been received making the following comments:-

- The development will further erode the boundary between Clifton and Langford/Henlow.
- The road infrastructure is very poor and there has been a number of accidents along Stockbridge Road; there are too many cars exceeding the 30mph speed limit, increasing the number of residents will add further pressure on the local road.
- The local school is currently oversubscribed and an increase in residents would be difficult to accommodate.
- The local GP service is oversubscribed and again difficult to support new residents.

**Additional Comments**

The Officer Committee Report deals with these matters.

**Additional Consultation/Publicity Responses**

A third party who is registered to speak in objection to the application at the Committee refers the Committee to section 4 of the National Planning Policy Framework – Promoting Sustainable Transport and an appeal decision relating to land between 103 and 27 Langford Road, Henlow (LPA reference CB/16/02721/OUT, PINS reference APP/P0240/W/16/3164961) for up to 135 dwellings.

**Additional Comments**

Members will be familiar with the NPPF, including section 4 and will note the commentary in the Officer Committee Report in relation to highway and related sustainability matters. The site is considered to be a sustainable location for development in transport terms; will not result in significant harm in terms of highway safety and; will not lead to a severe impact in NPPF terms. There is no objection to the development from the Councils Highway Officer.

The Inspectors comments in relation to the dismissed appeal are noted – Members will be aware that each application must be assessed on its own merits. The Planning Inspector comments that paragraph 14 and the ‘tilted-balance’ is not engaged as the Council have a 5 YHLS (Year Housing Land Supply) and given the Inspectors conclusion that moderate weight can be attached to policy DM4 (the settlement envelope policy) and that policy is not therefore ‘out of date’. This appeal decision is consistent with the Officer Committee Report – paragraphs 1.1-1.2.

The Planning Inspector applies ‘planning balance’ to the various material considerations but determines that the positive factors associated with the provision of housing, affordable housing, green infrastructure, biodiversity and other matters, is not outweighed by the harm to the character and appearance of the area.

The Officer report for this application balances into the consideration various material considerations and concludes that there is no significant material harm to the character and appearance of the area and, that the proposal represents a sustainable form of development.

***Item 8 – CB/18/00735/FULL – Hadrian Academy, Hadrian Avenue, Dunstable, LU5 4SR.***

**Additional Consultation/Publicity Responses**

One additional response has been received from a Resident of Goldstone Crescent.

Most of us have an objection to the section of the path at the boundary fence at the bottom of our gardens, it is too close.

The path is being used every day of the school week, every hour for 15 mins approximately from 9.00 till 5.25 this includes after school activities. Additional usage of one hour lunch breaks, then approximately 7.00pm once a week for running activities for a sports team of about 13 persons, and every Friday by parents and children for 15 mins approximately at 8.30am.

Objection: Our gardens are approximately 45ft long and they act as a tunnel when these little children and adults go by, so the excitement from the children and talking/shouting from adults just intensifies to a point that it becomes unbearable.

If this section of the path could be moved further in it would stop the decibels going through the gardens and causing such issues.

**Additional Comments**

Additional comments from the resident: I e-mailed Miss Bennett, Principal of the school regarding the best Sports Day that I have ever heard in my 44+ years of living next to the school, seconded by another 2 residents, for the number of persons on the field and the level volume of voices was acceptable. Miss Bennett replied thanking me for such a positive e-mail and stated that the ‘path was acting like a boundary’ so the people were further from the boundary fence.

I took this on board, as it is proving our defence, that if this section of path was put further into the school grounds then the volume of noise would dissipate to a more normal school volume. There has to be some form of restriction/compromise of this path so the well being suits the school and the residents.

Miss Bennett has done an exceptional job at Hadrian Academy with getting the children out and about in activities this was very much noted on Sports Day with the superb equipment for the children to use

### ***Item 9 – CB/17/02350/OUT – Land off Kerrison Close, Lidlington, Beds.***

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

5 further comments received from neighbours. Only new point raised is from an immediate neighbour and refers to a personal health issue, pollution from the proposed development could make this health issue significantly worse.

#### **Additional/Amended Conditions**

Revised plan number added to Condition 10, condition now reads as follows:

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 16176(B) 097 Revision C, 16176(B)099 Revision B, 16176(B)101, 16176(B)111, 16176(B)200 Revision A, 16176(B)205 Revision A, 8896M-TA06, 8896-TA11A.

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

#### **Additional Informatives**

No part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing. This stipulation also includes the parking of vehicles, caravans, equipment and materials etc, which again must not cause rail and road approach sight lines of the crossing to be obstructed. At no point during construction on site or after completion of works should there be any deterioration of the ability of pedestrians and vehicles to see the level crossing and its signage. There must be no reduction in the distance that pedestrians and vehicles have sight of the warning signs and the crossing itself. Network Rail reserves the right to provide and maintain existing railway signals/signs (whistle boards etc) and level crossing equipment along any part of its railway.

The LPA and the developer (along with their chosen acoustic contractor) are recommended to engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing operational railway to ensure that

there will be no future issues for residents once they take up occupation of the dwellings.

Network Rail is aware that residents of dwellings adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the LPA via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

To note are:

- The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running, heavy freight trains, trains run at weekends /bank holidays.
- Maintenance works to trains could be undertaken at night and may mean leaving the trains' motors running which can lead to increased levels of noise and vibration.
- Network Rail also often carry out works at night on the operational railway when normal rail traffic is suspended and often these works can be noisy and cause vibration.
- Network Rail may need to conduct emergency works on the existing operational railway line and equipment which may not be notified to residents in advance due to their safety critical nature, and may occur at any time of the day or night, during bank holidays and at weekends.
- Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for project or emergency works.
- The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators, and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.
- The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.
- Any assessments required as a part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor.
- Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.
- Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway.

All surface water is to be directed away from the direction of the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near / within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail Asset Protection Engineer for agreement.

- All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.
- The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

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