

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 8 DECEMBER 2010

SCHEDULE B

Item 7 (Page 11-28) – CB/10/02908/FULL –192 High Street South, Dunstable.

Amended Site Location

There is an error in the first line. The site lies on the south western side of High Street South not the north western.

Additional Consultation/Publicity Responses

1. Occupier of 194 High Street South – objects on the following grounds. Full copy of letter attached as Appendix 1.
 - Due to disability, chronic back pains and on-going medication spends a lot of time in the house and garden. Also retires to bed early;
 - Concerned about noise and disturbance arising from the use of the car park with doors banging, people shouting and the store becoming a congregating point for teenagers, drunks and the general public;
 - Concerned that all this activity late into the evening will disturb the household dog causing the dog to bark which will also add to the effects of noise and disturbance from vehicles and store customers and disrupt sleep patterns of all occupiers of the property;
 - Also concerned that shoppers will park indiscriminately in the two parking spaces that belong to No. 194 (accessed from Garden Road). One of these is for the private car but the other is used for a school bus, which is a work vehicle for the husband. Access to these spaces is required at all times.

2. Public Protection South
Further comments on hours of operation for delivery vehicles. Suggests modifying the hours to ensure consistency with other stores in Dunstable where similar restrictions apply. The following hours are recommended: 07.30 – 21:00 Monday to Friday; 08:00 – 20:00 on Saturday and 09:00 – 13:00 on Sundays.

Additional Comments

The comments of the neighbouring occupier are noted. However, with the revised wording to the proposed Condition 5 restricting delivery hours we are satisfied that there would be no adverse impact upon the residential amenity of the adjoining occupiers that would warrant a refusal of planning permission.

In order to ensure that the proposed car parking spaces are kept available for customers, a further condition is recommended for a Staff Travel Plan to promote sustainable modes of transport among employees.

There have been further discussions with the applicant and the Highways Agency about the provision of a crossing point over the A5 in the vicinity of the store. It is recommended that Condition 10 should be amended and the word 'controlled' omitted as the type of pedestrian crossing, if acceptable, would not be controlled and would be a central refuge island. The condition was recommended by the Council's Highway Engineer. The highway authority for High Street South is the Highways Agency (HA). It is the Highways Agency who has to be satisfied that a pedestrian crossing point can be installed whilst still enabling them to manage the highway network effectively. Discussions are still on-going on this point. It is recommended that if the Committee is minded to permit the application that the issue of the decision is delegated to officers subject to the discussions on the crossing point being concluded. If the HA agree to the provision of a crossing point the decision would include the revised Condition 10. However, if there is no agreement from the HA about the crossing then the condition would have to be omitted. If we sought to impose the condition in the knowledge that the HA, as the local highway authority, would not agree to a scheme then some of the tests for conditions as set out in Circular 11/95 'The Use of Conditions in Planning Permissions' would not be met. In those circumstances the condition would not be reasonable or enforceable. It would be inappropriate to grant the applicant planning permission for a development which they are prevented from implementing by virtue of one of the conditions.

A revised ground floor plan has been submitted which shows the position of the ATM on the flank wall to ensure that it is consistent with the previously revised elevation drawings.

Amended recommendation

That planning permission be granted and the issue of the decision be delegated to the Director of Sustainable Communities pending the conclusion of discussion with Highways Agency on the pedestrian crossing with or without revised Condition 10, as appropriate.

Additional/Amended Conditions

5. No deliveries shall be taken at or dispatched from the site outside the hours of 07.30 – 21:00 Monday to Friday; 08:00 – 20:00 on Saturday and 09:00 – 13:00 on Sundays.
REASON: To protect the amenities of the area.
10. omit 'controlled' from line 1.
11. new condition 11
Before the development is first brought into use a Travel Plans for employees shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan as approved, shall be implemented in full within 6 months of any of the building being occupied in connection with the development hereby permitted. Thereafter, the Travel Plan shall be monitored and reviewed annually, with a written report to be submitted to and agreed in writing by the Local Planning Authority which updates the plan and monitors the progress in meeting the agreed targets for reducing car journeys
REASON: In the interests of highway safety, to reduce traffic impact on the A5 and the local highway network and to promote the use of sustainable modes of transport.

Renumber previous conditions 11 and 12 to 12 and 13

13. Omit plan number 09_522/304B and replace with D/11B.

Item 8 (Page 29-46) – CB/10/03200/FULL – Trinity Hall Farm, Watling Street, Hockliffe, LU7 9PY.

This application has been DEFERRED from the Agenda and will be considered at a future Development Management Committee.

Information has come to light that demonstrates that Trinity Hall Farm's land holding of 400ha is not sufficient to produce the required maize feedstock for the proposed Biogas Plant. Indeed, it appears that up to two thirds of the maize would need to be grown on up to 800ha of land outside of Trinity Hall Farm's land holding. The applicant has not considered how this additional land and its associated traffic movements would impact the surrounding traffic network. Further information in the form of an updated Traffic Assessment is therefore required before a decision can be made.

Item 9 (Page 47-66) – CB/10/03696/FULL – 1 Monmouth Road, Harlington, LU5 6NE.

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

None.

SCHEDULE C

Item 10 (Page 67-74) – CB/10/03760/FULL – Fairfield Park Lower School, Dickens Boulevard, Stotfold, SG5 4FD.

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

None.

Item 11 (Page 75-80) – CB/10/03786/SE73 – Land to the rear of 144-146 London Road, Biggleswade.

Additional Consultation/Publicity Responses

None.

Additional Officer Comments

Confirmation was received via email from Julia Bull, who has applied for this consent on behalf of the pre-school that they are currently updating the schools travel plan. Attached was a copy of a leaflet which was recently sent to all parents which promoted Walk to School week, within this leaflet it did expressly state that London Road was the only place for parents to park, and pre-school users do not have permission to park at the Adult learning centre adjacent. Within the travel plan which related to the original application ref. MB/07/01526/FULL it specified that an agreement had been reached with The Yorkshire Grey public house, to allow 8 cars to use the facility under a permit system, it has been confirmed that this arrangement is no longer in place. Also included with the email was a copy of the 2009/2010 Travel Plan which is currently being updated.

An error was made within the report; the paragraph regarding consultation should read:

As this application was for the removal of condition, there was need for a re consultation period when the description was changed to variation of condition, this started on the 22/11/10 and will end on the 13/12/10, as such the Committee are asked to grant Delegated Powers to the Director of Sustainable Communities to approve the application subject to no new issues being raised before the end of this consultation period.

Additional Conditions

Travel Plan Condition:

A revised Pre-School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of decision.

This shall include details of:

- Updated survey data
- Barriers to travelling sustainably to school

- Measures to provide information about walking, cycling and bus routes for all members of the school community and visitors
- Plans to provide all pupils with education about transport choices in the local environment as part of the curriculum
- Plans for annual monitoring, review and submission of the plan to the Local Planning Authority
- Measures to promote and support sustainable modes and reduce car use

There shall be an annual review of the Travel Plan (from the date of approval of the reviewed plan) to monitor progress in meeting the targets for reducing car journeys generated by the proposal and this shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure safe travel to and from the facility.

Additional Note:

The Council requests that the applicant takes all reasonable action to ensure that parents using the Pre-School park responsibly and preferably not on London Road.