

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 02 FEBRUARY 2011

REPORT

Item 8 (Page 51-54) – Application for Works to Trees covered by Preservation Order No. 1/2009 known as “Wharf Mews, Biggleswade”.

Additional Consultation/Publicity Responses

We have received a letter dated 14th January 2011 from Biggleswade Town Council stating that they have no objections to the proposed works.

SCHEDULE A

Item 10 (Page 93-104) – CB/10/01265/OUT – Wyevale Garden Centres Plc, Dunstable Road, Caddington, Luton LU1 4AN.

Additional Consultation/Publicity Responses

Environment Agency – Although will not be providing revised response, recommend condition to address any potential increased flood risk in addition to foul and surface water condition previously recommended. In respect of full application, would expect further detail to be submitted.

Additional Comments

As indicated in the main agenda report, the sole reason for refusal refers to potential flood risk. In the period since the application was deferred at the previous meeting a further consultation response has been received from the Environment Agency. Whilst the Agency maintains that the submitted Flood Risk Assessment is inadequate, it is prepared to recommend a condition (Condition 13 below) to address this shortcoming in the current outline application. The Agency expects the reserved matters application to be accompanied by an updated Flood Risk Assessment. Accordingly, the application can now be recommended for permission.

Amended Recommendation

That Planning Permission be GRANTED subject to the completion of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to promote sustainable transport:-

- In order to facilitate pedestrian/cyclist access to the site, the upgrading of the substandard footway along Dunstable Road to a footway or footway/cycleway of an adoptable standard;

- In order to promote bus travel to/from the site, the introduction of bus stops in the vicinity of the site and the provision of real-time information within each building on the site and/or at the bus stops;
- The submission of a site travel plan;

and subject to the following:

CONDITIONS

- 1. Before development begins on either phase of the development hereby permitted, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters for that particular phase, namely the**
 - **access**
 - **appearance**
 - **landscaping**
 - **layout; and**
 - **scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with Article 3(4).**

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

2. Plans and particulars of the reserved matters for each phase of the development hereby permitted, referred to in Condition 1 above, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out only as approved.

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

3. Application for approval of the reserved matters for each phase of the development hereby permitted shall be made to the Local Planning Authority before the expiration of three years after the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall begin either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 5. Development on either phase of the development hereby permitted shall not commence until a landscaping scheme for that phase (or a comprehensive landscaping scheme for the whole site) - to include any hard surfaces - has 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 the relevant phase of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be**

maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

**Reason: To ensure a satisfactory standard of landscaping.
(Policy BE8, S.B.L.P.R.).**

6. Unless otherwise agreed in writing by the Local Planning Authority:
- (a) tree protection measures and fencing shall only be as stipulated on drawing A051211/01 (Rev.1) and Appendix G of the Arboricultural Implications Assessment, and shall in any case only be in accordance with BS 5837:2005;
 - (b) the development shall only take place in accordance with Section 7 of the Arboricultural Implications Assessment and (i) tree work shall not exceed that recommended in Appendix A (Survey Schedule) thereto and (ii) specific arboricultural facilitation works shall only be carried out in strict accordance with Appendix D thereto;
 - (c) the development shall only take place in strict accordance with the proposed methodology identified within Appendix E of the Arboricultural Method Statement dated November 2008;
 - (d) the protection, supply, planting, preparation and maintenance of the proposed landscaping shall only be in strict accordance with the detailed proposals on drawing A051211/L01 Rev. B, provided that the making good period shall be 5 years from the date of planting.

**Reason: To ensure that the proposal is not out of character with its rural setting and does not harm the amenities of the Green Belt or the setting of the adjoining Area of Great Landscape Value.
(Policies 7, B.S.P.; NE3 and BE8, S.B.L.P.R.).**

7. The site boundary to the south west of the existing retained building, between Points A and B on the Site Location Plan attached to this permission, shall be defined by the erection of a fence. Such fence shall be retained permanently for the duration of the development and there shall be no gates or other openings inserted into the fence and no links created across this boundary between the application site and the land outside the site immediately to the south west.

Reason: To define the extent of the site of this permission and to avoid doubt.

8. **Development on either phase of the development hereby permitted shall not commence until samples of the external materials to be used for the walls and roofs of the new building(s) to be erected on the site of that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the proposed buildings in the interest of safeguarding the visual amenities of the Green Belt and the setting of the adjoining Area of Great Landscape Value.
(Policies 7, B.S.P.; NE3 and BE8, S.B.L.P.R.).**

9. **Development on either phase of the development hereby permitted shall not commence until details of the levels of the proposed building(s) to be erected on the site of that phase have been submitted to and approved in**

writing by the Local Planning Authority. Thereafter, the development on the relevant phase shall be implemented in accordance with the approved details. For the avoidance of doubt the following scale parameters shall apply:

- The total floorspace of existing and proposed buildings on the site, including any floorspace below ground level, shall not exceed 2,620sqm;**
- The average height of existing and proposed buildings on the site shall not exceed 4.6m;**
- The maximum height of any new building on the site shall not exceed 5.8m.**

Reason: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties and ensure that the impact of the proposed development on the openness of the Green Belt and the setting of the adjoining Area of Great Landscape Value is minimised. (Policies 7, B.S.P.; NE3 and BE8, S.B.L.P.R.).

10. There shall be no beneficial occupation of either phase of the development hereby permitted until details of a scheme for all external lighting for that phase have been submitted to and approved in writing by the Local Planning Authority and until the scheme has been implemented in accordance with the approved details and is operational. There shall be no departure from or variation to the approved lighting scheme for the relevant phase without the prior approval in writing of the Local Planning Authority.

Reason: To protect the visual amenity of the Green Belt and the adjoining Area of Great Landscape Value and to protect highway safety. (Policies 7, B.S.P.; NE3 and BE8, S.B.L.P.R.).

11. The site of the development hereby permitted shall only be used for the purposes described in the application and for no other purpose in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification). The 'Plant Area' shown on the Indicative Site Layout Plan shall only be used for the display and sale of nursery stock in association with the proposed garden centre and for no other purpose.

Reason: To define the extent of the permission and to avoid doubt.

12. **Development on either phase of the development hereby permitted shall not commence until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.**

Reason: To ensure that the foul and surface water drainage scheme does not pose a risk of polluting the groundwater. The groundwater must be protected in this location because it is used to supply drinking water to the public.

13. **Development on either phase of the development hereby permitted shall not commence until a surface water drainage scheme, based on sustainable drainage principles 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**

subsequently be implemented in accordance with the approved details before any part of the development is first occupied or brought into beneficial use. Furthermore, the surface water drainage scheme shall include details of how it shall be maintained and managed after its completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system.

14. Prior to the commencement of any phase of development approved by this planning permission, the developer shall submit to the Local Planning Authority, in both paper and electronic form where possible:

- (a) A Phase 1 desk study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.
- (b) Where shown to be necessary by the Phase 1 desk study, a Phase 2 site investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.
- (c) Where shown to be necessary by the Phase 2 site investigation, a Phase 3 detailed scheme for the remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.
- (d) On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and sampling.

Any remediation scheme and any variations shall be agreed in writing by the Local Planning Authority prior to the commencement of works. This should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and shall be adhered to.

Should groundwater or surface watercourses be at risk of contamination during or after development, the approval of measures to protect water resources should be sought from the Environment Agency. Furthermore, the site is located on a major aquifer and the Environment Agency must be consulted prior to the commencement of either phase of the development.

Reason: To protect human health and the environment.
(Policy BE8, S.B.L.P.R.).

15. Before development begins on either phase of the development hereby permitted, a Waste Audit and Waste Management Plan for that phase, indicating how opportunities for the reduction, recycling and re-use of waste during construction and occupation of that phase will be taken account of, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development on the relevant phase shall be carried out and completed in accordance with the approved Waste Audit and Waste Management Plan.

**Reason: In the interests of sustainable waste management.
(Policies W5 and W6, Bedfordshire and Luton Waste Local Plan).**

16. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans numbered CBC/001 and 6510.

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

NOTES TO APPLICANT

Add Informatives.

Item 11 (Page 105-112) – CB/10/04204/FULL – The Old Thatch, Woburn Lane, Aspley Guise, Milton Keynes MK17 8JR.

Additional Consultation/Publicity Responses

None.

Additional Comments

Policy CS15 of the Core Strategy and Development Management Policy Document dated November 2009 should be withdrawn from the recommended reason for refusal. This policy is more relevant to sites which are within Conservation Areas or have some historic, archaeological or architectural interest. The application site does not fall within any of these designations.

Amended Reason for Refusal

The site lies in a rural location beyond the Green Belt infill boundary for Aspley Guise. The proposed replacement dwelling would be of greater size, bulk and floorspace than the existing dwelling that it is to replace and would be sited in a more prominent location. The development would therefore be more visually intrusive in the landscape, having a detrimental impact on the openness of the Green Belt. The 'special circumstances' advanced in support of the proposal are not considered as to be justification for this large replacement house. The proposal is therefore in conflict with PPG2, PPS3 and PPS7 as well as policies DM3 and DM6 of the Core Strategy and Development Management Policy Document dated November 2009.

SCHEDULE C

Item 12 (Page 113-118) – CB/10/04261/FULL – 6 Conway Drive, Flitwick, Bedford.

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

None.

Item 13 (Page 119-124) – CB/10/04506/FULL – 1 Churchill Way, Shefford SG17 5UB.**Additional Consultation/Publicity Responses**

None.

Additional Comments

None.

Additional/Amended Conditions

None.

Item 14 (Page 14 – 28 of Agenda Update) – CB/10/04288/FULL – Rushmere Park, Old Linslade Road, Heath and Reach, Leighton Buzzard LU7 0EB.**Additional Consultation/Publicity Responses**

6, 2A and 18 Sylvester Street, Heath and Reach; 32 and 64 Woburn Road, Heath and Reach; Heath Manor, Leighton Road, Heath and Reach; 5 Bakerswood Close, Heath and Reach; 21 The Stiles, Heath & Reach; 10 Shenley Hill Road, Leighton Buzzard; 273 Heath Road, Leighton Buzzard –

Support project, but reiterate some of concerns set out in main agenda report. Additional concerns include:

- Additional traffic on Linslade and Old Linslade Road exposes need for zebra crossing or school patrol near Thrift Road junction in order to assist access to Lower School. Lack of crossing point is barrier to encouraging walking to school. Proper crossing should be priority in considering any further development proposals at Rushmere Park.
- Suggest provision of permissive path through estate so that walkers can walk safely down road.

Additional Comments

With regards to the point raised by consultees in respect of the need for a crossing on Linslade Road, apart from early morning and late afternoon dog walkers and joggers, the majority of traffic generated by the provision of the proposed access and car park is likely to be at weekends and during school holidays. The proposals should not therefore generate traffic at peak periods to any significant extent.

Amended Condition

Condition 2 – Delete “minimum” from second sentence.