

## LATE SHEET

### 11.00 AM MEETING

#### DEVELOPMENT MANAGEMENT COMMITTEE – 17 AUGUST 2011

##### SCHEDULE A

##### ***Item 7 (Page 13-26) – CB/11/00664/FULL – The Old Church of St Vincent adjacent to the Ground, Tithe Farm Road, Houghton Regis.***

##### **Additional Response from Applicant's Agent**

In response to the objection from the Tree and Landscape Officer the applicant's agent has the following comments:

"We have substantial support from the local people, councillors and the Town Council for the proposal.

If the issue of casting a shadow is a genuine problem then there is not enough space on site to accommodate a further 5m from the trees unless we build 3 stories. Otherwise we will not achieve the numbers needed to make it work financially.

I believe that 3 stories will be resisted by the Council and I do not think we will be funded to revise the drawings again so closely following the recent redraw due to the TPO. It is a pity that the Tree and Landscape Officer had not made clear his full concerns earlier.

It is very disappointing to find that trees casting a shadow is now a problem at this late stage. We are finding it difficult to cope with these constant setbacks. However, in relation to the Tree and Landscape Officer's concern about overshadowing, I have a number of points to make.

1. In our experience in regard to nursing homes, there are no requests for unreasonable pruning to trees. It may happen with housing but this is not housing. Does the Tree and Landscape Officer have contrary evidence relating to nursing homes to this effect?
2. The structure is not for domestic use with domestic pressures of amenity space for barbecues, washing lines, etc.
3. This is not an old peoples home or anyone else's private home. It is proposed to accommodate elderly patients with dementia problems and those who are convalescing who will not be long term. The patients will be more concerned about their health rather than tree shadow.
4. A TPO means that pruning of the trees will be controlled as any cutting back will require an application thus allowing control over pruning. Unreasonable requests which do not harm the integrity of the building can be refused as currently is the case where any TPO'd trees are located in proximity to buildings.

5. In regard to his statement about loss of light to rooms often being a source of worry and concern to elderly people, it should be noted that this is not an old people's home.
6. We would be happy to introduce roof lights to the 1st. floor rooms to overcome his daylight concerns, however, some medical conditions require low or no light such as those with eyesight disorders. Patients with eyesight disorders could be located in the ground floor bedrooms where appropriate.
7. For dementia care, visual sensory stimulation is to be welcomed. The movement and light filtration from any foliage is a real bonus for such patients. The fact of the matter is that the revised proposals for the construction of the building where it is now shown, will not affect the trees. To indicate that overshadowing will be a factor that could result in a reason for refusal, does not take into consideration the use and function of the building.

However, a balance has to be struck against whether there will indeed be calls to prune the trees, bearing in mind that this is not a normal residential dwelling, against the provision of much needed facility with all the much needed employment that could be generated in this deprived area.

I suspect that the Tree and Landscape Officer is basing his concerns on residential dwellings or residential homes rather than nursing homes where there is more long term care.

We could, of course, revert to the religious use for the site, which to date, we have fended off due to perceived issues relating to some religions.

The reality is that the trees are not under threat by this development and any unreasonable requests for pruning would be controlled by the TPO."

### **Additional Comments**

The Tree and Landscape Officer has considered these comments but maintains his objection to the scheme for the reasons set out in the main report on the agenda. He concludes that the development will conflict with the above ground constraints of protected trees to the extent that there will be future pressure for continual and disfiguring pruning, which will be to the detriment of the amenity value of the trees concerned.

### **Additional/Amended Reasons**

None.

## **SCHEDULE B**

### ***Item 8 (Page 27-50) – CB/10/04441/OUT – Heath Motors, Woburn Road, Heath & Reach, Leighton Buzzard.***

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

Highways Officer:

This application is for outline permission of a residential development which has an indicative layout comprising of 14 units. The applicant has indicated that means of access is to be considered at this stage with all other matters reserved for future consideration.

Design Supplement 7 defines a Minor Way as serving no more than 25 units and having a typical peak hour flow of approximately 10-15 vehicles. This proposed development I would expect to conform to a Minor Way.

A Minor Way shall have a minimum width of 4.8m and a 2m footway either side of the carriageway. If the development was to be a shared area then the 2m wide footways can take the form of a service margin either as a verge or a widened paved carriageway.

The applicant has shown on the indicative layout a 5.5m wide carriageway at the entrance of the site, narrowing to 4.8m some 20m into the site from Woburn Road. There is a 2m wide footway shown on the southern side of the carriageway and a 1m service margin on the other side. Whilst the carriageway widths shown are acceptable, a 2m footway/service margin is required both sides of the access, with the exception of plot 11 where a 600mm service margin may be considered acceptable.

The turning area shown on the indicative layout is suitable for a refuse type vehicle and will also accommodate a 10m rigid vehicle.

The visibility splays for this type of access at this location shall be 2.4m measured in to the site at right angles to Woburn Road by 43m measured either side of the centre line of the proposed access, along the channel of Woburn Road. The applicants Transport Statement states that an average speed of 37mph has been used to set the visibility splays as prescribed in Manual for Streets. Woburn Road at this particular point is a 30mph zone therefore the maximum splay we would apply here would be 43m. I would be very surprised if the average speed at this point is anything like 37mph. I would suggest that the applicant is demonstrating that even for speeds of 37mph with a corresponding visibility splay of 59m it can be accommodated within the highway or land within the applicant's control.

The Design and Access Statement refers to the Transport Statement prepared by Royal Haskoning which addresses the highway issues associated with the potential development. In terms of the parking provision, the indicative plan does not correspond with the breakdown of the proposed parking spaces. The applicant does however, refer in the DAS that the proposals show an appropriate number of resident and visitor parking spaces based on Council guidelines. For the avoidance of doubt I would suggest that notwithstanding the details shown on the indicative plan a condition is imposed to provide the required parking spaces.

There are three dwellings shown, on the indicative layout, fronting Woburn Road with parking provision accessed to the rear of the units. There would be a great temptation for residents in these three units to use that section of Woburn Road fronting the site for short stay parking. I would not wish to encourage any on-street parking in this location, therefore I propose the introduction of an extension to the waiting restriction which currently exists to the south of the site. The funding required for the amendment to the Traffic Regulation Order will be £3,500. I suggest this funding shall be secured via the section 106 Agreement.

I understand that there is an historical access leading through the site from Woburn Road to the former Thrift Quarry. There is no longer any extraction from the quarry but it will be subject to restoration works. I note in the statement that this private access is intended to be used by small maintenance vehicles, as the main vehicular access to the former quarry is via Brickhill Road.

The site currently has two vehicle crossing points, the location of the northern crossing will be used for the new access serving the site, whilst the southern crossing will need to be closed and reinstated as public footway, this is generally undertaken by the highway authority at the applicants expense; this can be conditioned.

The applicant's red line plan indicates the boundary of the site to be along the footprint of the existing canopy structure. I consider the highway boundary in this particular location will follow the drainage channel which is located at the back of the public footway. The applicant will need to be satisfied that they are in control of the land up to the highway boundary, I would therefore advise the applicant to check their land ownership details and amend the red line plan to accord with that of the highway boundary.

Recommend imposition of conditions in respect of the junction of the estate road with the highway, access details, pedestrian visibility splays, visibility across the site frontage, parking provision at reserved matters stage, closure of redundant accesses, provision of a turning area for refuse vehicles and cycle parking plus informatives.

## **Additional Comments**

### Highways matters and site layout

The applicant has submitted a revised illustrative layout plan that incorporates the provision of a 2m wide footway on the northern side of the estate road and an additional parking space for each of Plots 13 and 14. The applicant has also amended the red line plan so that the front site boundary abuts the highway boundary. The Highways Officer confirms that the amendments indicated on the revised plans are acceptable.

### Thrift Quarry access

Thrift Quarry, at the rear of the Heath Motors site, has been infilled with inert waste and is being restored to agriculture/amenity grassland/sports pitch. The existing vehicular access through the site to/from the quarry is a secondary means of access – the primary access being off Brickhill Road through Bakers Wood. The agent advises that, ideally, the applicant would not wish to incorporate this access within

the proposed development. However, a formal easement granting limited access rights to a third party has to be accommodated in the layout of the new estate. The extent of these rights is such that the access could not be used in connection with a more intensive use of the Thrift Quarry land.

#### Loss of off-street parking

At present, some residents of nearby properties in Woburn Road use the site, in particular the area beside the sloping access up to the quarry, for off-street parking. The agent advises that although there is no express provision for this arrangement, existing or proposed, it is likely that the proposed development would be able to accommodate some parking for other Woburn Road residents and visitors. In strict terms however, this is an informal arrangement beyond the scope of planning control. There is no right for the residents to park vehicles on what is currently private land.

#### Contamination and waste management

With regards to potential site contamination, both the Environment Agency in respect of controlled waters and the Environmental Health Officer in respect of human health and the environment recommend conditions to ensure that any existing contamination is dealt with in an acceptable manner. With regards to waste management, the Waste Planning Development Officer recommends a condition requiring the submission of a Site Waste Management Plan indicating how waste would be reduced, recycled and re-used during both the construction and operational phases of the proposed development.

#### Adequacy of local sewerage system

The Parish Council have questioned whether the local sewerage system is adequate for the additional flows that the new housing is likely to generate. Anglian Water advises that the system at present has available capacity for foul water flows. In respect of surface water flows, Anglian Water advises that the preferred method of disposal would be by way of a sustainable drainage system with connection to a sewer seen as the least favoured option.

#### 11 Woburn Road's privacy

The residents of 11 Woburn Road have expressed concern about being overlooked from the dwellings proposed adjacent their property. There are existing mature conifer trees within the site beside the boundary with No. 11 that should provide sufficient screening. These may not be growing on the south-eastern embankment and, if so, would not be covered by Condition 6. It is therefore recommended to amend the wording of Condition 6 to include boundary trees that are not growing on the embankments.

### **Amendment to Recommendation**

#### **Recommendation**

That Planning Permission be granted subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure financial contributions towards:

- Education

- Sustainable transport
- Traffic Regulation Order on Woburn Road
- Health facilities
- Indoor sport and leisure centres, outdoor sport and green infrastructure
- Community facilities and services
- Waste management
- Emergency services

### **Amended/Additional Conditions**

Condition 6 – Amend the first sentence of the second paragraph to read as follows:

“The existing trees and hedgerows growing on the tops of these embankments together with other trees growing beside the site boundaries shall be retained and protected for the duration of the development in a manner to be approved in writing by the Local Planning Authority and shall not be destroyed, uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority.”

22. 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.

23. The access shall have a minimum width of 5.5m, kerb radii of 6m and a 2m footway/service margin either side of the access and shall be located in the position shown on the approved illustrative layout plan numbered 09076 (D) 105 Revision C.

REASON: In the interest of road safety and for the avoidance of doubt.

24. The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate pedestrian intervisibility splays to be provided at all vehicular access junctions within the site before the accesses are first brought into use. The triangular vision splays shall measure 2.8m along the back edge of the proposed footway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the proposed footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant’s control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

REASON: To provide adequate visibility between the footway and the proposed accesses, and to make the accesses safe and convenient for the traffic that is likely to use them.

25. Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

REASON: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic that is likely to use it.

26. The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a scheme for residential parking of vehicles on the site in accordance with the Design in Central Bedfordshire A Guide for Development - Design Supplement 7 and no building shall be occupied until that provision has been made in accordance with the approved details.

REASON: To ensure provision of car parking clear of the highway and in the interest of the safety and convenience of road users.

27. Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

REASON: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

28. The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a vehicular turning area to accommodate a refuse collection size vehicle.

REASON: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

29. The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a scheme for the parking of cycles on the site in accordance with the Central Bedfordshire Council's "Cycle Parking Guidance - July 2010". The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

REASON: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

30. No demolition, excavation or construction or removal of trees or hedgerows shall be carried out on site between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive of any year unless otherwise approved in writing by the Local Planning Authority.

REASON: To safeguard breeding birds.

31. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
- CBC/001
  - 09076 (D) 105 Revision C

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

### **Additional Informatives**

4. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).
5. The applicant is advised that in order to comply with Condition 1 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Planning and Control Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Planning and Control Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
7. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
8. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.



9. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide to Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.
10. The applicant is advised that the closure of existing access shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Central Bedfordshire Council's Customer Contact Centre on 0300 300 8308. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access.

***Item 9 (Page 51-60) – CB/11/00528/FULL – Shaah Group, Watling Street, Hockliffe.***

**Additional Consultation/Publicity Responses**

A letter has been received from a resident of Watling Street. The issues raised in the letter are set out below:

- the plans show the adjacent site as a car sales business, this is not accurate as the site has been redeveloped for housing
- a recent fire at the application site led to neighbouring residents being evacuated due to fear that gas cylinders may have been present on the site, stringent fire precautions should be taken into consideration
- the cars which have been sold were reputedly not road worthy
- the business owners and customers have parked thoughtlessly in front of residential properties and on the grass verges and footways
- business transactions have taken place in the Augustus Road area causing disturbance to local residents
- car transporters block the footway causing pedestrians to walk on the A5
- car breaking has taken place on the site which is of concern due to the proximity of the site to Clipstone Brook and also leads to disturbance by reason of noise
- the site is in the Green Belt but was removed for the development of three proposed sites until 2010
- the Highways Agency anticipate that there could be a possibility of up to 35,000 vehicles through Hockliffe per day, adding car transporters unloading into this situation is an accident waiting to happen
- if the conditions proposed by Hockliffe Parish Council were put in place and the site operated in accordance with the conditions the operation should prosper and become part of the community.

The majority of these issues have been addressed in the report however responses to the Green Belt and Highways Agency comments follow.

The resident comments that the site is within the Green Belt but was removed to allow the development of three sites until 2010. The application needs to be determined on the current policy situation which is that the site is shown on the South Bedfordshire Local Plan Proposals Map as being within the built up area excluded from the Green Belt as set out in policy GB3. Green Belt policies do not therefore apply to the application site.

The Highways Agency was consulted on the application and responded stating that it have no objection. As the A5 is a trunk road the Highways Agency is the highway authority. The Highways Agency does not raise any concern regarding the proposal or its impact on the potentially increasing traffic flow through Hockliffe.

### **Amended Conditions**

#### Amended condition 1

**Prior to the commencement of motor vehicle sales from the site a scheme for the parking of vehicles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall define areas for customer and staff car parking and shall be fully implemented prior to the commencement of motor vehicle sales from the site and thereafter retained for that purpose.**

**Reason: To ensure sufficient provision of car parking clear of the highway.**

#### Amended condition 2

**Prior to the commencement of motor vehicle sales from the site details of a turning space for service vehicles within the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved turning space shall then be constructed in accordance with the details prior to the commencement of motor vehicle sales from the site and thereafter maintained in perpetuity.**

**Reason: To enable vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles on to the highway.**

#### Amended condition 3

**Prior to the commencement of motor vehicle sales from the site details of the method of disposal of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority including any land drainage system, before the development is commenced. Prior to the commencement of motor vehicle sales from the site the approved drainage scheme shall be implemented and thereafter retained in accordance with the approved details.**

**Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.**

#### Amended condition 5

The premises shall only be open to customers of the motor vehicle sales business between the hours of 9am to 6pm Mondays to Fridays, 9am to 5pm on Saturdays, and 10am to 5pm Sundays and Bank Holidays.

**Reason: To safeguard the amenities which the occupiers of neighbouring properties might reasonably expect to enjoy.**

### **Additional Conditions**

None.

### **Additional Informatives**

None.

### ***Item 10 (Page 61-70) – CB/11/02050/FULL – Mary Bassett Lower School, Bassett Road, Leighton Buzzard.***

As there are outstanding Conservation and Design issues with the application, which have not been resolved due to the sudden illness of the Conservation and Design Officer, it is recommended that the application be deferred until the Development Management Committee on 14<sup>th</sup> September 2011.

### ***Item 11 (Page 71-78) – CB/11/02433/FULL – 146 Castle Hill Road, Totternhoe, Dunstable.***

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

Archaeology (01/08/11) - No objections:

“The proposed development lies adjacent to the Lower End, Totternhoe settlement historic core (HER 16889), this is an archaeologically sensitive area and a locally identified heritage asset as defined by PPS5: *Planning for the Historic Environment*.

Totternhoe is mentioned in the Domesday survey of 1086 AD and it is therefore likely that the settlement has at least late Saxon origins. In addition the discovery an 8th century AD coin from the vicinity of the application site in the early 1970's also suggests activity dating to this period close by (HER 2819).

Despite the potential for the survival of archaeological deposits dating to the later Saxon and medieval periods within the application area, the proposed development is of such a small scale that it is unlikely to have a serious impact on any sub-surface remains. Consequently I have no objection to this application on archaeological grounds.”

#### **Additional Comments**

None.

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

None.

**Item 12 (Page 79-88) – CB/11/01612/FULL – The Winston Churchill Public House, Church Street, Dunstable.**

**Additional Consultation/Publicity Responses**

Comments received from:

Mr Neal Reynolds, Quadrant Shopping Centre:

- Information regarding and images showing rubbish outside the Winston Churchill PH after internal clearing. Image shows rubbish on the car parking area to the rear of the pub.

Mr Thomas Eggar, on behalf of the Owners of the Quadrant Shopping Centre:

- Access – concern for scaffolding blocking passing trade.
- Refuse – concern about additional refuse.
- Pest control – how is the applicant going to deal with the issue of pest control.

Dunstable Town Council:

- No objection subject to Environmental Health Officer being satisfied that adequate arrangements are made for waste disposal, taking account of the additional food waste that will be created in association with use as a restaurant.

Environmental Health Officer:

- Has concern with regard to the method that could be used for extraction for noise and smells, has suggested two conditions:

*“Equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation, and the equipment shall be effectively operated for so long as the commercial food use continues. Full details of the method of odour abatement equipment to be used, including predicted noise levels of the equipment in operation, shall be submitted to and approved by the Local Planning Authority prior to the installation of the equipment. The approved equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the use hereby permitted commencing.”*

*Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents.*

*“The kitchen ventilation system approved in accordance with the condition above, together with any other external plant, machinery and equipment installed or operated in connection with this permission, shall be so enclosed, operated and or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling. The applicant shall clearly demonstrate that noise from the installed plant achieves the required noise standard, prior to the use hereby permitted commencing.”*

*Reason: To protect neighbouring residents from any adverse impact from noise arising from the kitchen extract ventilation system or other external plant on the premises.*

On the original report written for members a condition (condition 3) was suggested which relates to the extraction of fumes and smells from the premises, it is recommended that the original condition is used as the first condition recommended by the Environmental Health Officer would be unreasonable due to the use of "effectively". As this condition is open to personal interpretation it is judged should members be minded to approve the application that the original condition be used. With regard to the second suggested condition relating to the external plant, machinery and equipment it is considered that this is also unreasonable as the noise levels would be enforced under a Statutory Nuisance Order should they be found to be unreasonably high adjacent to the residential properties. It is suggested that the levels of noise within this suggested condition be attached as a note to applicant.

### **Additional Comments**

None.

### **Additional/Amended Conditions**

Amended reason for condition 1:

The development hereby approved shall be commenced within one year of the date of this permission

Reason: The application site currently has a significant adverse impact on visual amenity and to comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

Amended condition 5:

**The 3rd bank of windows from the bottom in the eastern (side facing) elevation of the development hereby permitted shall be of fixed type and fitted with obscured glass of a type to substantially restrict vision through it at all times, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be carried out in accordance with the approved details and maintained in perpetuity. No further windows or other openings shall be formed in the elevation.**

**Reason: To safeguard the amenities of occupiers of adjoining properties.**

### **Additional Note to Applicant**

Noise arising from any plant or machinery shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:1997, at the boundary of any neighbouring residential dwelling. Should levels exceed this amount it may cause a nuisance to the adjacent residential properties.