

## **LATE SHEET**

### **DEVELOPMENT MANAGEMENT COMMITTEE – 07 December 2011**

#### **SCHEDULE B**

#### ***Item 7 (Page 13-28) – CB/11/03091/RM – Land and Buildings North of Taylors Road, Stotfold.***

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

##### **Stotfold Town Council**

Following the developer's request that Stotfold Town Council reconsider our previous objection comments to the above planning application, at a meeting of the Planning Committee held on 23<sup>rd</sup> November 2011 the members decided that as the plans remain the same as they originally considered, they do not wish to amend their previous objections.

However, the committee would like to thank the developers for their clarification of our objection point 6 regarding the adoption of the play areas by the Town Council. We also request that with regard to the Section 106 money allocation for play areas, the suitable area for allocation should be the Town Council's decision.

#### **Additional Comments**

##### **Play Areas**

Please note that if Members are minded to approve that application that the decision cannot be issued until either a suitably worded Deed of Variation of Supplemental S106 is entered into by the applicant. This would secure £26,800 to provide further play equipment to be used in Stotfold.

##### **Affordable Housing**

The site is providing 28% affordable housing, namely 39 units. The S106 Agreement for this site does not provide figures as to the cluster sizes acceptable for this site.

One cluster comprising 12 units (4 affordable houses and 8 affordable flats), a cluster comprising 16 units (13 affordable houses and 3 affordable flats over garages) and the remaining cluster of 11 units (8 flat units and 3 affordable houses). These are all separate clusters however there is not always market housing between each cluster.

##### **Density**

It should be noted that the outline planning permission did not provide a set number of residential units. The applicant has provided a density of 43 dwellings per Hectare to represent the urban fringe nature of this development on a brownfield site. This is considered to be acceptable in this situation because 27 of the 139 residential units are flats rather than separate dwelling houses and this therefore has a knock on impact upon the density figures.

**Item 8 (Page 29-40) – CB/11/02183/RM – Land South of Stotfold, Norton Road, Stotfold.**

**Additional Consultation/Publicity Responses**

Highways

I refer to your e-mail dated yesterday and the revised drawings:-  
Drawing No. 10.094.Site.5.2 Rev E - Site Layout;  
Drawing No. 10.094.Site.5.3 Rev E - Wall - Roof Materials; and  
Drawing No. 10.094.Site.5.4 Rev E - Storey Heights

In respect of the above reserved matters application for which you have requested my comments. I would advise as follows:

The revised layout drawing has addressed the concerns I raised in respect of the parking issues on the previous layout. This matter can now be deemed to be acceptable.

The revised layout drawing no longer contains the provision of a “Feature Tree” in the footway/carrageway on the outside of the bend to the internal access road. The applicant’s agent has advised that this will also be omitted from the Landscaping Plan, although I have not seen this revised drawing.

On the assumption that the drawing will be so revised, I would advise that in a highway context I would not wish to raise objections to the Reserved Matters application and would recommend that the following conditions be included if planning approval is to be issued.

Tree and Landscape Officer

The Tree and Landscape Officer confirmed that the Walnut Tree at 96 High Street Stotfold can be protected from potential damage caused by the development through the use of a suitably worded condition.

**Additional Comments**

Affordable Housing

The original S106 pursuant to Planning Permission Ref: MB/02/00242/OUT relating to Land South of Stotfold, Bedfordshire provided that this site would provide 28% Affordable Housing namely, 182 plots.

The Deed of Variation dated 16 December 2009 pursuant to Outline Planning Permission Ref: MB/02/00242/OUT relating to Land South of Stotfold, Bedfordshire provided in relation to Affordable Housing states that:

The Affordable Housing Units shall be pepper-potted through the relevant part of the Site to be used for residential purposes and shall be provided in clusters as follows:

- (a) in the case of apartments no more than 12 units in any one cluster; and
- (b) for houses with 2 or more bedrooms no more than 15 units in any one cluster.

In relation to this application the site layout identifies one cluster adjacent to the Grange Link comprising 14 houses and a further cluster of 9 houses to the rear of Mulberry Close and the High Street. In addition it can be confirmed that there is market housing between these two clusters and as such the proposal is considered to be in accordance with the Land South of Stotfold S106 requirements in relation to Affordable Housing.

### Density

The density of this application is 44.1 dwellings per Hectare. The Land South of Stotfold adopted Design and Landscape Strategy Code for the whole of Parcel 1 should provide a density of between 30 and 40 dwellings per Hectare. Taking this application into consideration and the already consented (MB/07/01546/RM) part of Parcel 1 which has now been built would provide an average density of 39.5 dwellings per Hectare. As such the density is in accordance with the adopted Design and Landscape Strategy Code.

### **Additional/Amended Conditions**

#### Highways

- 1. No development shall commence until details of the access roads and footways, including gradients and method of surface water disposal, have been approved in writing by the Local Planning Authority and no dwelling shall be occupied until the road(s) which provide(s) access to it from the existing highway has/have been laid out and constructed in accordance with the approved details.**

**Reason: In order to ensure that the proposed roadworks are constructed to an adequate standard and to minimise danger, obstruction and inconvenience to users of the highway and of the development.**

2. No dwelling shall be occupied until visibility splays have been provided at the junctions of the access roads serving the site. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

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

3. Before any dwelling is occupied all on site vehicular areas related to that dwelling shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

5. The driveway length in front of the garage(s) shall be at least 6.0m as measured from the garage doors to the highway boundary.

Reason: To ensure that parked vehicles do not adversely affect the safety and convenience of road users by overhanging the adjoining public highway.

6. **No development shall commence until, a scheme for the parking of cycles on the site has been submitted to and approved in writing by the Local Planning Authority. 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.**

#### Tree and Landscape Officer

7. No development shall commence to Plots 29 – 33 (inclusive) until details to protect the Walnut Tree to the rear of 96 High Street, Stotfold have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be wholly implemented until Plots 29 0 33 (inclusive) have been completed and are ready for occupation.

Reason: To safeguard an existing tree and in the interests of visual amenity.

#### **Additional Notes to Applicant**

1. 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 for Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.
2. 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 Highways Development Control Section, 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.

3. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Guidance - July 2010".
4. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.

***Item 9 (Page 41-52) – CB/11/03406/FULL – Houghton Regis Medical Centre, Peel Street, Houghton Regis, Dunstable.***

**Additional Consultation/Publicity Responses**

1. CBC Rights of Way Officer (23/11/11) – The following comments were offered:

This revised extension layout would seem acceptable as far as Public Footpath no. A12 is concerned and should leave the line and width of the Footpath unaffected by the proposals. I therefore now have no objections.

Should the proposals be granted planning permission, however, it is likely that the Public Footpath could be obstructed by construction work and so a temporary closure of the footpath may be necessary to allow the work to be carried out. This is because the applicant must ensure that the full width of the public footpath can be used at all times during construction and that the public footpath can freely walk along it safely. The Public Footpath cannot be obstructed by any vehicles or materials associated with the development and a scaffolding licence may be needed if any scaffolding is required which will overhang or obstruct any part of the Public Footpath. If the applicants require a temporary closure/diversion of the path, they must apply for one, giving us at least 6 weeks notice to process it. The applicants will be responsible for paying for all costs (including advertising) of processing such a temporary closure/diversion of the path. I will attach for the applicant further details on closures/diversions with details of our current costs. If they feel a scaffolding licence will be required, they must contact Hazel Potter in Highways on 0300 300 4857.

2. Houghton Regis Town Council (24/11/11) – Objects on the grounds that the land that is to be built upon is thought to be amenity land.
3. Applicant has provided a petition in support of the application for a Pharmacy with late opening hours, signed by 521 people who visited the Surgery between 25<sup>th</sup> November and 2<sup>nd</sup> December. A collection of signatures is continuing and will be reported on further at Committee.

**Additional Comments**

An updated plan has since been received not only including the reduction in scale but also reflecting the original sloped roof design, which is thought to better compliment

and harmonise with the host building and in turn would better enhance the character of the area, than the proposed flat roof design.

The revised plan has taken into account the public right of way and the extension no longer obstructs or overhangs the public right of way and therefore no objections have been raised by the Rights of Way Officer. The Rights of Way Officer has recommended an informative to be imposed to the decision notice, so that the applicant is made aware of their responsibilities in relation to the public right of way during construction.

The Town Council has continued to object to the planning application as they believe that the land that would be built upon is classed as amenity. However as stated in my report, the land is not classed as amenity and whilst some landscaping exists, it forms part of a mitigation method of a previous planning application and much of the landscaping is required to be removed due to its obstruction of the public right of way.

### **Amended Conditions**

Amend condition 3, last sentence to no access “for the public” to the pharmacy other than through the dispensing hatch.

Amend condition 5 as follows:

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 11/1155/01, 11/1155/02B, 11/1155/03, 11/1155/05 Rev C & CBC/001,

Reason: For the avoidance of doubt.

### **Additional Informative**

No materials or vehicles associated with the development should be left on or near the public footpath which may cause a hazard or inconvenience to users. The applicant must ensure that there is no encroachment beyond the property's legal boundary onto the width of the public footpath. However if a footpath closure is needed this will require at least six weeks notice and any footpath closure would not apply to the access to the garages. Should scaffolding be required over the public footpath, the Council's Highway department would also require notice of this so that a scaffolding licence can be processed and granted.

## ***Item 10 (Page 53-66) – CB/11/03414/FULL – Land rear of 100 Common Road, Kensworth, Dunstable.***

### **Additional Information**

Inspector Appeal decision attached, as per page 56 of Main Agenda. (Refusal for erection of a detached bungalow, reference CB/10/02361).

**Item 11 (Page 67-78) – CB/11/03441/VOC – Market Garden Nurseries, 64 High Road, Beeston, Sandy.**

**Additional Consultation/Publicity Responses**

Following the completion of the Officer's report, an email and petition with 41 signatures has been submitted commenting and objecting to the application on the following grounds:

- Vehicles should exit the site onto the A1 rather than using Orchard Road.
  - Domestic vehicle movement will be increased by 28/30 more movements per day as a result of the increase in the number of employees.
  - Beeston Green has previously been damaged by HGV vehicles and since the site has not been in operation, it has started to recover. The new operation will cause damage again and this is not considered necessary when there is another way in and out of the site, via the A1.
  - De-restricting the operating hours would have a detrimental impact on the safety of Beeston residents.
  - There is insufficient street lighting along the footpath, dramatically increasing risk due to poor visibility.
  - There are no paths to enable pedestrians to stay safe and off the roadside, even though the road is a footpath.
  - There are no natural bollards or defence systems on either side of the road/footpath to ensure vehicles stay on the road.
  - De-restricting the operating hours would have a very negative effect on the well-being and welfare of Beeston residents, mostly affecting the families living in the 43 households alongside The Green and Orchard Road.
  - Dramatically increased noise pollution from business and heavy goods vehicles at a time when most families and children are still asleep.
  - The now expected increase in vehicular access and exit that has been verified since the Council's original decision which was based on lower volumes of site traffic.
  - The noise and visual impact in the early evening time.
  - De-restricting the operating hours would have a very negative effect on the welfare of the Beeston environment.
  - Without proper road-safety and maintenance and fiscal investment from the Council, this will affect the visual and ecological appearance of The Green.
  - There is no natural barrier or passing area to avoid vehicular access onto and off The Green and thus, motorists could use the grassed areas to pass each other, destroying/damaging The Green.
  - The Green is used by residents for walking, playing and meeting and is the area most likely to experience traffic incidents.
  - Suggest that if permission is granted, the Council overturn a restrictive clause in the original application that would allow 64 The High Road to both enter and exit the A1 directly, thus no longer needing to use Orchard Road.
  - Suggest that if permission is granted, the Council implement fiscal investment and deployment of road and environmental safety measures along Footpath 40, specifically with natural wooden barrier posts with reflective strips at eight foot intervals on either side of the road, plus the addition of increased street lighting.
- The applicant's agent has confirmed that there will be on average, 3 deliveries to the site per day.

## **Additional Conditions**

It is recommended that condition 4 be revised to ensure that deliveries to the site are restricted to after 07:30 hours until 18:00 hours. The revised wording of the condition would be as follows:

There shall be no machinery used at the site, goods moved within the site or deliveries received outside of the hours of 07:30 and 18:00 hours, Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays, without the benefit of planning permission. There shall be no deliveries dispatched from the site outside the hours of 06:00 and 18:00 hours, Monday to Friday and at no time on Saturdays, Sundays, Bank or Public Holidays, without the benefit of planning permission.

Reason: To preserve the residential amenity of neighbouring properties in accordance with Policy DM3 of the Adopted Core Strategy Development Management Policies.

## ***Item 12 (Page 79-88) – CB/11/03820/FULL – Land at Houghton Conquest Methodist Church, Rectory Lane, Houghton Conquest.***

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

Houghton Conquest Parish Council (17/11/11) - Object to application on the basis that the buildings are too large for the plot, they will overshadow the neighbouring buildings and the access area is poorly designed. Overdevelopment of the plot and intrusion into surrounding homes.

CBC Archaeology (25/11/11) - No objections to application.

CBC Highways (24/11/11) - No objections – conditions recommended.

Two letters received from neighbours. Comments summarised as:

- Proposed size and height of dwellings not in keeping with surrounding area.
- Driveway for Plot 1 is up against rear boundary resulting in loss of privacy and additional noise and movements.
- There may be damage caused to existing building wall during construction.
- Inaccuracies on application relating to address of Westerley House (marked as 30 Rectory Lane) also plan does not show passageway to side of Westerley House and implies some of the land within Westerley House boundary will be lost.
- Previous application refused, status quo has not changed.
- A large chalet bungalow so close to boundary would impact on light and privacy of 30a Rectory Lane.
- Cycle shed/store is a substantial building unsuitable on the boundary, and would impact on the light to 30a Rectory Lane.

### **Additional Comments**

Following questions raised at the Committee Site visit the applicant has confirmed that the Cemetery at the Chapel is within his ownership and there are no legal

obligations in place in connection with the cemetery. The applicant stated an intention to the Methodist Church that the cemetery would remain in perpetuity.

The applicant also confirmed that the fence to the front of the cemetery is to remain in the current location.

### *Archaeology*

The proposed development site has the potential to contain remains relating to the Saxon and medieval origins and development of the settlement at Houghton Conquest. It could also contain post-medieval burials associated with the post-medieval Methodist Chapel that occupies part of the site; these are heritage assets.

The application includes a report on an archaeological field evaluation comprising the results of a programme of trial trenching. The report on the evaluation describes the archaeological deposits the site contains; this provides a description of the significance of the heritage asset, conforming to Policy HE6.1 of PPS 5. It allows the impact of the proposed development on archaeological remains to be understood.

The evaluation identified two archaeological features within the application area: a pit dated to 18<sup>th</sup>-19<sup>th</sup> century and another undated pit. Other trenches dug outside the application area at the request of the applicant contained a number of other features (post holes and a ditch) which, where dated, were all post-medieval. The archaeological features appear to represent a low level of activity either just pre-dating or contemporary with the various phases of the Methodist Chapel.

The archaeological remains of low level post-medieval activity identified in the archaeological field evaluation are significant in that they provide information concerning the development of the settlement at Houghton Conquest.

The proposed development will have a negative and irreversible impact on the archaeological remains identified in the evaluation and on the significance of the heritage asset (the historic settlement of Houghton Conquest) they represent. However, the loss of significance of the heritage asset the proposed development is likely to cause is minimal and does not represent a constraint on development.

### *Highways*

Adequate parking provision and turning area is to be provided and cycle storage buildings are provided for each dwelling. There are no objections to the proposal on Highway Safety grounds however the site access is relatively narrow and only permits one-way working. The access would benefit from being made wider therefore conditions to this effect are recommended.

### **Additional Conditions**

1. Development shall not begin until details of the junction of the modified (widened) vehicular access with the highway have been approved by the Local Planning Authority and no dwelling shall be occupied until the access junction has been constructed in accordance with the approved details.

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

2. Before the access is brought into use an area of land across the whole of the site frontage measuring at least 2.4m from and parallel to the nearside edge of the adjacent road carriageway shall be provided and thereafter be kept free of all obstruction to visibility.

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.

3. The modified (widened) vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 5m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of the highway.

### **Notes to Applicant**

The applicant is advised that no works associated with the construction of the modified vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BD quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

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

### ***Item 13 (Page 89-102) – CB/11/03465/OUT – 41 High Street, Henlow.***

#### **Additional Comments**

Central Bedfordshire Ecologist – The mitigation measures proposed are considered thorough and reasonable.

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

None.

**SCHEDULE C**

***Item 14 (Page 103-108) – CB/11/03728/FULL – 11 Clifton Road, Shefford.***

**Additional Consultation/Publicity Responses**

No further comments received.

**Additional Comments**

None.

**Additional/Amended Conditions**

None.