

## **LATE SHEET**

### **DEVELOPMENT MANAGEMENT COMMITTEE**

***Item 7 (Page 13-46) – CB/11/04497/OUT – Dukeminster Estate, Church Street, Dunstable***

***Demolition of all buildings on the site and redevelopment for a mixed use scheme for up to: 203 residential dwellings together with a 75 bed care home; 568 sqm (GFA) of class A1 retail space; 505 sqm (GFA) of class A2 financial and professional services or class A3 restaurants and cafes space; 555 sqm (GFA) of class D1 non residential institutions space; 783 sqm (GFA) of B1 business space together with associated vehicular parking and landscaped areas.***

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

Anglian Water - There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that an informative be attached to any permission granted.

The foul drainage from this development is in the catchment of Dunstable STW that at present has available capacity for these flows. Development will lead to an unacceptable risk of flooding downstream. An appraisal has been carried out in respect of disposal of foul discharge from this site however it has not been reflected in this planning application. We request a condition requiring the drainage strategy covering the issues to be agreed.

The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

The Flood Risk Assessment (FRA) makes reference to existing surface water flows discharging to the public system in storm events up to 1 in 100 years, the public surface water system is designed not to surcharge in events up to 1 in 30 years, therefore this aspect will need to be considered within the FRA and in the on-site sewer design should infiltration prove unsuitable We request a condition requiring a drainage strategy covering the issues to be agreed.

The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that an informative be added to any planning permission granted.

Overall Anglian Water are satisfied that the outstanding matters can be adequately dealt with by conditions, as set out below.

### **Additional Conditions**

40. No development shall commence until a foul water strategy submitted has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

41. No development shall commence until a surface water strategy/flood risk assessment has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

### **Additional Informatives**

13. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

14. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

### **Amended Conditions**

#### **Condition 36 as existing**

36. Development shall not begin until a scheme to include details of Traffic Regulation Orders and parking restrictions on the proposed roads have been approved by the Local Planning Authority and no building shall be occupied until that scheme has been implemented in accordance with the approved details.

Reason: To manage on-street parking and thereby safeguarding the interest of the safety and convenience of road users.

**Condition 36 as proposed**

36. Development shall not begin until a scheme to include details of Traffic Regulation Orders and parking restrictions on the proposed roads has been approved by the Local Planning Authority and no building shall be occupied in any one phase until the scheme has been implemented for the phase in question in accordance with the approved details.

Reason: To manage on-street parking and thereby safeguarding the interest of the safety and convenience of road users.

**Condition 23 as existing**

23. Development shall not begin until details of the improvements to the junction between the proposed estate roads and the highway have been approved by the Local Planning Authority and no building shall be occupied until those junctions have 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 roads.

**Condition 23 as proposed**

Development shall not begin until details of *any improvements required* to the junction between the proposed estate roads and the highway have been approved by the Local Planning Authority and no building shall be occupied until those junctions have 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 roads.

**Condition 39 as existing**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2429/222A and 224A. This permission does not extend to the details shown on drawing 2429/100C.

Reason: For the avoidance of doubt.

**Condition 39 as proposed**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2429/315E, 2429/318A & 2429/319B.

Reason: For the avoidance of doubt.

**Delete condition 18** which duplicates the requirements of other conditions. Surface water drainage is dealt with by condition 13 and foul water drainage is dealt with by condition 21.

## **Points of clarification**

Page 29 – Section 7 – 3<sup>rd</sup> paragraph

The land available for the potential alternative badger sett was subject to a CPO in relation to the busway, this land is likely to be returned to the applicant but has not yet been agreed.

Page 26 – Section 4 – final paragraph

The 1073m<sup>2</sup> proposed includes both A1 uses (shops) and A2 uses (financial and professional services).

Page 30 – Section 8 – 2<sup>nd</sup> paragraph

The viability assessment clause would be applied to all contributions within the s106 not only affordable housing.

## ***Item 8 (Page 5-64 of Supplement to Public Reports Pack) – CB/12/00744/RM – Site 15c, Pratts Quarry, Billington Road, Leighton Buzzard (Persimmon)***

### **Additional Comments**

An additional plan has been submitted which shows the whole scheme for the 15C site, incorporating landscaping proposals across the “pylon land” traversing the site. Additional plans showing street scene elevations from Kestrel Way on the northern edge of the development and from across the NEAP on the southern edge of the development.

Revised plans showing a number of design changes have been submitted in response to comments from the Urban Design Consultant, Leisure Services and Highways. The main changes to the Persimmon part of the scheme are as follows:

- The layout of plots 43 and 44 has been revised to create a focal point/landmark building at the southern corner of the site with Billington Road.
- The vehicle manoeuvring area/turning head between plots 22-26 and 30 has been revised to relate more satisfactorily to the adjacent dwellings.
- The dwelling for plot 30 has been resited so as to avoid a blank elevation facing south onto Billington Road.
- Additional turning space has been provided between plots 3 and 4 and between plots 42 and 43.
- A footpath zone is now shown between the highway and the southern LAP. The LAP would have a low fence or railings around the perimeter. The corner has also been modified so that a vision line is created in both directions by introducing an area of granite sets, or similar, beyond the highway limit.
- A number of changes to the fenestration, elevational treatment and roof form of the proposed dwellings in response to the comments of the Urban Design Consultant.

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

#### **Urban Design Consultant**

The proposed changes are acceptable. No further comments on the revisions made.

### Leisure Services - Recreation Open Space

Noted that the footpaths to the NEAP have been revised such that the central footpath is replaced by two, close to the eastern and southern boundaries of the NEAP. This is considered fine.

Noted that there is now a footpath zone between the highway and the southern LAP (on the Persimmon site). The LAP would have a low fence or railings around the perimeter. The corner has also been modified so that a vision line is created in both directions by introducing an area of granite sets, or similar, beyond the highway limit. This is considered fine, except low fencing needs to be replaced by 1.0m Bow Top metal fence.

The developers should be made aware of the actual play equipment required in the LAP (3 pieces of equipment for 3-6yr olds).

### Highways

#### Leighton Buzzard Allotment Association

With reference to items 8, 9 and 10 of the agenda of the Development Management Committee meeting of 23 May 2012, the allotment association asks for consideration to be given to our concerns about the 'pylon land'.

This land has been identified by the developer (who owns the land) for use as allotments. Our allotment association is concerned that it is not a suitable location for anything more than some allotment provision for the people who buy or rent the homes to be built as detailed in the Pratts Quarry C applications.

We point out that current allotment holders have experienced significant problems with burglaries from sheds and pilfering of produce to the extent that we have all paid towards security fences and a gate provided by the Town Council.

Drawing on this lesson, we suggest that the new residents overlooking the pylon land will not want similar fencing as the outlook from their properties. We further suggest that, without such fencing, only local residents will have the commitment and reason to 'police' the area and report any signs of criminal activity.

Finally, we note that a proportion of the allotment holders not on the Pratts C estate will need vehicle access that may impinge on the amenity of the new residents.

As it stands, the reports on these three agenda items simply recommend a note to be added to planning permission referring to the provisions of the S106 agreement. We are concerned that this may not be enough due to new Government rules to allow renegotiation of S106 agreements.

On the basis of understanding, we ask that the note on the pylon land is actually made into a condition as part of the planning approval. We also ask that we are consulted on this or any other scheme in Leighton Linlade that includes the provision for allotment land.

#### Note

*As part of the proposals for housing developments on the neighbouring sites at Pulford Corner, Stanbridge Road and Pages Field, developers proposed the use of this land as allotments. However the provision of allotments on the "pylon land"*

*traversing the site does not form part of this application. As the recommended Informatives for the current applications note, the 15C development is subject to a Section 106 Agreement which includes obligations in respect of the parameter plans and “pylon” land and requires the submission, approval and implementation of a scheme for landscaping, laying out, access and maintenance of the “pylon” land, prior to the implementation of the planning permission. Given the requirements of the Section 106 Agreement in relation to the “pylon land”, any planning condition requiring the submission of details for this land would duplicate the existing control over the “pylon land” and is not therefore considered necessary.*

## **Additional/Amended Conditions**

### **Item 9 (Pages 25-45 of Supplement to Public Reports Pack) – CB/12/00751/RM – Site 15c, Pratts Quarry, Billington Road, Leighton Buzzard (Charles Church)**

#### **Additional Comments**

An additional plan has been submitted which shows the whole scheme for the 15C site, incorporating landscaping proposals across the “pylon land” traversing the site. Additional plans showing street scene elevations from Kestrel Way on the northern edge of the development and from across the NEAP on the southern edge of the development.

Revised plans showing a number of design changes have been submitted in response to comments from the Urban Design Consultant, Leisure Services and Highways. The main changes to the Charles Church part of the scheme are as follows:

- The width of the main access road from Kestrel Way has been increased to 5.5 metres.
- The dwelling for plot 4 has been resited so as to avoid a blank side elevation onto Kestrel Way
- A number of changes to the fenestration, elevational treatment and roof form of the proposed dwellings in response to the comments of the Urban Design Consultant.

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

##### Urban Design Consultant

The proposed changes are acceptable. No further comments on the revisions made.

##### Leisure Services - Recreation Open Space

Noted that the footpaths to the NEAP have been revised such that the central footpath is replaced by two, close to the eastern and southern boundaries of the NEAP. This is considered fine.

Noted that there is now a footpath zone between the highway and the southern LAP (on the Persimmon site). The LAP would have a low fence or railings around the perimeter. The corner has also been modified so that a vision line is created in both directions by introducing an area of granite sets, or similar, beyond the highway limit. This is considered fine, except low fencing needs to be replaced by 1.0m Bow Top metal fence.

The developers should be made aware of the actual play equipment required in the LAP (3 pieces of equipment for 3-6yr olds).

## Highways

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This land has been identified by the developer (who owns the land) for use as allotments. Our allotment association is concerned that it is not a suitable location for anything more than some allotment provision for the people who buy or rent the homes to be built as detailed in the Pratts Quarry C applications.

We point out that current allotment holders have experienced significant problems with burglaries from sheds and pilfering of produce to the extent that we have all paid towards security fences and a gate provided by the Town Council.

Drawing on this lesson, we suggest that the new residents overlooking the pylon land will not want similar fencing as the outlook from their properties. We further suggest that, without such fencing, only local residents will have the commitment and reason to 'police' the area and report any signs of criminal activity.

Finally, we note that a proportion of the allotment holders not on the Pratts C estate will need vehicle access that may impinge on the amenity of the new residents.

As it stands, the reports on these three agenda items simply recommend a note to be added to planning permission referring to the provisions of the S106 agreement. We are concerned that this may not be enough due to new Government rules to allow renegotiation of S106 agreements.

On the basis of understanding, we ask that the note on the pylon land is actually made into a condition as part of the planning approval. We also ask that we are consulted on this or any other scheme in Leighton Linlade that includes the provision for allotment land.

### Note

*As part of the proposals for housing developments on the neighbouring sites at Pulford Corner, Stanbridge Road and Pages Field, developers proposed the use of this land as allotments. However the provision of allotments on the "pylon land" traversing the site does not form part of this application. As the recommended Informatives for the current applications note, the 15C development is subject to a Section 106 Agreement which includes obligations in respect of the parameter plans and "pylon" land and requires the submission, approval and implementation of a scheme for landscaping, laying out, access and maintenance of the "pylon" land, prior to the implementation of the planning permission. Given the requirements of the Section 106 Agreement in relation to the "pylon land", any planning condition requiring the submission of details for this land would duplicate the existing control over the "pylon land" and is not therefore considered necessary.*

## **Additional/Amended Conditions**

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

#### ***Item 10 (Pages 47-64 of Supplement to Public Reports Pack) – CB/12/00825/RM – Site 15c, Pratts Quarry, Billington Road, Leighton Buzzard (Taylor Wimpey)***

##### **Additional Comments**

An additional plan has been submitted which shows the whole scheme for the 15C site, incorporating landscaping proposals across the “pylon land” traversing the site. Additional plans showing street scene elevations from Kestrel Way on the northern edge of the development and from across the NEAP on the southern edge of the development.

Revised plans showing a number of design changes have been submitted in response to comments from the Urban Design Consultant, Leisure Services and Highways. The main changes to the Taylor Wimpey part of the scheme are as follows:

- Additional turning space has been provided between plots 105 and 106.
- The footpaths to the NEAP have been revised such that the central footpath is replaced by two, close to the eastern and southern boundaries of the NEAP.
- A number of changes to the fenestration, elevational treatment and roof form of the proposed dwellings in response to the comments of the Urban Design Consultant.

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

###### Urban Design Consultant

The proposed changes are acceptable. No further comments on the revisions made.

###### Leisure Services - Recreation Open Space

Noted that the footpaths to the NEAP have been revised such that the central footpath is replaced by two, close to the eastern and southern boundaries of the NEAP. This is considered fine.

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The developers should be made aware of the actual play equipment required in the LAP (3 pieces of equipment for 3-6yr olds).

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This land has been identified by the developer (who owns the land) for use as allotments. Our allotment association is concerned that it is not a suitable location for anything more than some allotment provision for the people who buy or rent the homes to be built as detailed in the Pratts Quarry C applications.

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Finally, we note that a proportion of the allotment holders not on the Pratts C estate will need vehicle access that may impinge on the amenity of the new residents.

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### Note

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## **Additional/Amended Conditions**

### **Item 11 (Page 47-62) – CB/11/04496/FULL – Land rear of White Horse PH, Park Lane, Eaton Bray**

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

Anglian Water has no objections to the proposed development.

### **Additional Comments**

The Conservation Officer accepts the Tree and Landscape Officer's view that the existing hedgerow is of a poor quality and hence its removal to allow adequate visibility when existing the site would not be detrimental to the character and appearance of the area.

### **Amended Conditions/Reasons/Informatives**

1. Delete Highways Condition 13. Park Lane is not a through road and hence the need for a footpath cannot be justified. Furthermore, a footpath would further urbanise this rural location.
2. Delete Informative 6. The turning space to be provided off Park Lane should, in fact be constructed to an adoptable standard.
3. Condition 9 is amended by the addition of the word 'of' so as to read, 'Development shall not begin until details of parking ---- '

### ***Item 12 (Page 63-68) – CB/12/01160/FULL – Hambleton, Dunstable Road, Studham***

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

None

### **Additional Comments**

#### Hambleton Green Belt Calculation 2012

Original dwelling 81.5

#### Existing additions

Single storey side/rear 28.5  
Conservatory 15

#### Approved Extension

Ground Floor 32.5

Proposed front gable extension 4.5

**RESULTANT FOOTPRINT INCREASE 98%**

ALL MEASUREMENTS IN SQUARE METRES

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

None

***Item 13 (Page 69-78) – CB/12/00726/FULL – Land South of Stotfold, Norton Road, Stotfold***

**Additional Consultation/Publicity Responses**

**Additional Comments**

Since the completion of the committee report, additional information on bin storage has been provided and is acceptable to the Highways Officer and Waste Officer.

**Additional/Amended Conditions/Reasons**

In light of the submission of bin storage facilities for the retail unit, condition 5 can be deleted.

***Item 14 (Page 79-86) – CB/12/01266/FULL – Watercote Lane Farm, Biggleswade Road, Upper Caldecote***

**Additional Consultation/Publicity Responses**

No updates to report

**Additional Comments**

**Additional/Amended Conditions/Reasons**

***Item 15 (Page 87-94) – CB/12/00914/FULL – Hatch farm, Hatch Common, Hatch***

**Additional Consultation/Publicity Responses**

No updates to report

**Additional Comments**

**Additional/Amended Conditions/Reasons**

***Item 16 (Page 95-104) – CB/12/00756/FULL– 35 Potton Road, Everton***

**Additional Consultation/Publicity Responses**

None

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

***Item 17 (Page 105-118) – CB/12/00466/FULL – 2 High Street, Stotfold***

**Additional Consultation/Publicity Responses**

No updates to report

**Additional Comments**

**Additional/Amended Conditions/Reasons**

***Item 18 (Page 119-134) – CB/12/01007/FULL – Land at 3 Olivers Lane, Stotfold***

**Additional Consultation/Publicity Responses**

One further letter of objection received, raising no new issues.

**Additional Comments**

Whilst concerns have been raised that the newly erected site boundary encroaches on the public footpath the applicants have confirmed that it is entirely within the ownership of the applicant.

**Additional/Amended Conditions/Reasons**

None

***Item 19 (Page 135-140) – CB/12/00796/FULL – Budgens Stores Ltd, Market Square, Sandy***

**Additional Consultation/Publicity Responses**

None

**Additional Comments**

None

**Additional/Amended Conditions/Reasons**

None

***Item 20 (Page TBA) – CB/12/01144/FULL – 142B High Street, Cranfield***

**Additional Consultation/Publicity Responses**

No comments

**Additional Comments**

No comments

**Additional/Amended Conditions/Reasons**