

## LATE SHEET

### DEVELOPMENT MANAGEMENT COMMITTEE – 18 JULY 2012

#### ***Item 6 (Page 11-42) – CB/10/03478/OUT – Land adjoining Dunstable Road and to the rear of My Folly and the Scout Hut, Dunstable Road, Caddington.***

##### **Further Parish Council comment:**

Received 16/7/12. On 17<sup>th</sup> July (the day before this meeting) Caddington Planning Committee will propose a scheme to full Parish Council for engineering works, the applicant bearing the cost, to be carried out on the allotment land where the ditch surface water crosses the public footpath. This is to achieve a catchment pit or widening of the ditch at that point to slow storm water into the pond which itself would be excavated to remove silt and aid the clay to remain damp (to stop the site drying out). This natural approach is the way ahead. Still have concerns that the surface and flood water, with additional road water, would go to the R8 land, even if it is in reduced quantities. At times of high water table and flood this could cause problems through dissipation of draining water, especially to neighbouring properties. It needs to be examined to prove where the discharge from the new system is placed at the Dunstable/Mancroft Road junction. What guarantees can be given that the detention basin and swale will work sufficiently to achieve the developer's aims?

##### **Final neighbour responses:**

Received from Caddington Scout Group (13/7/12):

Explains the origins of the 25-year-old building, the place of the group in the community and its financial limitations. Concerned –

- Some documentation still in circulation indicating 54 dwellings and implying that the applicant owns land which he does not,
- Strong concern about noise complaints from new houses, overlooking of scouts camping outside or inside and site security,
- Strongly urge CBC to ensure this does not happen,
- Landscaping or site reworking must not cause water to drain across scout land or subsidence (which may need a retaining wall),
- It is vital that there are proper sight lines with ongoing maintenance.

Asks DMC to take note of earlier letters and correspondence. Because there has been a marked reluctance for the applicant to engage further with the scouts, they must OBJECT.

Received from 3 Mossman Drive (8/7/12):

Requests that contractor and staff are prevented from parking in Mossman Drive as this prevents its use by residents as well as causing safety issues with visibility and mud.

## Officers further comments:

### DRAINAGE:

A representative of the Parish Council is expected to address the committee today. In respect of the above comments, firstly it is welcomed that the PC is looking for a natural solution to water passing from their land to the site. A headwall on their land will of course be outside the control of the applicant and cannot be conditioned – certainly at this early stage of technical appraisal. However, appraising this approach could form part of the discharge of condition 11(4) – collection and piping at the footpath as outlined in Section 2.6 of the FRA. Secondly, there is a sequence of attenuation measures ‘below the site’: holding basin, porous base, vegetation, hydrobrake, weir, swale with steps and more vegetation. No system can offer a guarantee in extreme events yet this proposal offers as much as could be reasonably devised to detain water except in extreme events. This system cannot solve existing flooding problems in Mancroft Road, especially where the great majority of water reaching Mancroft Road comes from other places. Page 29 of the Agenda also sets out the likelihood of future government funds for LA adoption of such systems.

### SCOUTS:

Another inspection of the site, attended by the CBC highway officer, to assess the proposed visibility splays for the retained Scout hut access shows that the provision of the footway would obviate the need to set a splay on the east side. This will safeguard the hedge which the scouts want left untouched. Condition 29 will be varied to include only a western splay, such that none of the scout land would be within the splay. Concerns with contractors’ parking will be passed to the Highways and Transport team as they are best handled under another legal framework.

Regarding the objections from the scouts, it is confirmed that the application is for 50 dwellings and does not include the scout land. It is also considered that sufficient safeguard against noise nuisance would be available viz: acoustic fence and the ability to plan housing layout at a later stage. Furthermore, scouting activities are occasional and do not extend late into the night. They are a very different character to clubhouses and other such premises. CBC has received no noise complaints against Caddington Scouts from residents opposite. The CBC EHO consulted St Albans DC after a senior representative of the Caddington Scouts pointed out a case where a troop in St Albans had to close because of noise complaints from new houses. After trying to find the nearest match from limited information provided, the St Albans DC Environmental Health Compliance Manager replied:

*‘When the Health Authority decided to develop the land the 2nd St Albans scout group had to leave as there was no facility available for them in the proposed development. I do not recall there being an outcry about noise and being asked to leave for that reason...The majority of Scout HQs in St Albans are in close proximity to housing developments – it is the nature of the beast. They provide much needed community meeting points and in turn the local residents offer security to the premises. The noise levels are equivalent to play time at a local school. The only issue is usually at the coming and goings of parents delivering their offspring and with appropriate travel plans and local catchment for membership this can be reduced.’*

While no-one can rule out the risk of noise complaints, there would appear to be a low risk of a justifiable complaint, and even less of recommended measures not being capable of implementation.

Drainage will be closely followed up at details stage and the developer would be responsible for any retaining structure should there be on/off site levels changes. It is likely that mature trees near the scout premises will remain, so significant levels changes are unlikely. Finally, the first paragraph covers the benefits to the scouts of a new sight line and scrub clearance by the new footpath.

**Amended Recommendation:**

That, on receipt of a satisfactory Agreement under S106 of the Planning Acts, based on the following Heads of Agreement, the Head of Development Management be authorised to issue the Grant of PERMISSION subject to the conditions which follow:

Heads of Agreement

Leisure and recreation,  
Education,  
Sustainable Transport,  
Health,  
Social/community,  
Waste management,  
Emergency services,  
Affordable Housing.

**Amended conditions:**

Condition 6 – Add to end: ‘dated 5th September 2011 and ground preparation / development shall only be carried out in accordance therewith.’  
(Correction)

Condition 11 – replace with:

‘The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) produced by Royal Haskoning Ref: 9V3743/R00004/303754/Pet and the approved FRA Addendum Ref: 9W4904 Rev.E dated 03 July 2012, and the following mitigation measures detailed within the FRA:

1. Controlling the roof drainage surface water run-off generated by the 100 year critical storm with 30% addition for climate change, using the sustainable drainage methods indicated in Section 2.3, so that it will not increase the risk of flooding off-site.
2. Controlling the road drainage run-off generated by the 100 year critical storm with 30% addition for climate change, using the sustainable drainage methods in accordance with Section 2.4, so that any off-site discharge is restricted to 1 litre/sec.
3. Controlling surface water overland flows using the sustainable drainage methods detailed in Section 2.6.

4. Developing a plan for the future maintenance of the sustainable surface water drainage system and overland flow routes shall be agreed with the Local Planning Authority and implemented prior to residential occupation of the site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to maintain the approved systems. (Environment Agency condition as amended by Local Planning Authority).

Policy: NPPF'

*(Updated reference to documents and flow rate in 2)*

Condition 22 – replace with:

'A visibility splay shall be provided at the junction of the scout premises access with the public highway before the first dwelling is occupied. The minimum dimensions to provide the required splay line shall be 2.4m measured along the centre line of the access from the junction with the channel of the public highway and 56m measured in a westerly direction from the centre line of the access along the line of the channel of the public highway. The required vision splay shall, on land in the applicant's control, be kept free of any obstruction.'

Reason and policy reference unchanged.

*(Updated to require only one splay)*

Condition 30 – replace '5673/011/p\*' with '5673/001/p\*' *(correction)*.

As part of the ongoing review of conditions the following changes are proposed at this stage to ensure that conditions are enforceable:

Condition 4 – Delete 'Before development begins' and remove bold typeface. *(The main provision is that the scheme shall be implemented at the right time)*.

Condition 8 – Commence 'No development shall commence until surveys have been carried out between March and June inclusive for the presence'. *(Pre-commencement)*

Condition 9 – Commence 'No development shall take place until an updated bat survey has been carried out'. *(Pre-commencement)*.

Condition 17 – Commence 'No development shall take place until a drainage strategy'. *(Pre-commencement)*.

Condition 19 – Commence 'No development shall commence until' and convert condition to bold type. *(Pre-commencement)*.

Condition 23 – Commence 'No development shall begin' and convert condition to bold type. *(Pre-commencement)*.

Condition 25 – Commence 'A scheme for the parking' and remove bold typeface. *(Not essential for submission at this stage)*.

Condition 26 – Commence 'A scheme for the parking' and remove bold typeface. *(Not essential for submission at this stage)*.

Condition 28 – Commence 'No development shall commence, including ground clearance' *(Pre-commencement)*.

Condition 29 – Commence ‘No development shall commence until a scheme’ (*Pre-commencement*).

***Item 7 (Page 43-56) – CB/12/01409/RM – White Lion Retail Park, Boscombe Road, Dunstable.***

**6. Section 106 Matters – page 55**

It is understood that development on this site has not commenced and that the delay in submitting the reserved matters application relates to the Local Authority’s use of the land in relation to the construction of the busway. The use of the land for the construction of the busway was agreed and the applicants accepted a delay in developing the site on the basis that they would be able to do so in accordance with the Section 106 agreement signed at the outline application stage.

The legal agreement was completed on 27<sup>th</sup> March 2009 and the amounts secured index linked. If the contributions were paid today the amounts payable would be:

Public Open Space – original contribution £46,238 plus indexation at £6,805.49 = £53,043.49

Sustainable Transport – original contribution £12,000 plus indexation at £1,766.21 = £13,766.21

**Additional Consultation/Publicity Responses**

Environment Agency – no comment.

Highways Development Control - This application has provided more parking than that at the outline stage and it is acknowledged that there could be some casual visitor parking on the access road. It is also acknowledged that this area is in a very sustainable location.

For the reason above I would not object to the proposal on highway grounds.

**Additional Conditions**

None.

**Additional Informatives**

None.

***Item 8 (Page 57-72) – CB/12/01317/FULL – Henlow Lakes and Riverside, Arlesey Road, Henlow.***

**Additional Consultation/Publicity Responses**

None.

**Additional Comments**

None.

**Additional/Amended Conditions**

None.

***Item 9 (Page 73-82) – CB/12/01536/FULL – Building adj. to 22 Long Close, Lower Stondon, Henlow.***

**Additional Consultation/Publicity Responses**

None.

**Additional Comments**

None.

**Additional/Amended Conditions**

None.

***Item 10 (Page 83-90) – CB/12/01152/FULL – Shefford Post Office, 6 Southbridge Street, Shefford.***

**Additional Consultation/Publicity Responses**

An objection from the owner of No 4 Southbridge Street has been withdrawn.

An objection from a tenant at No 4 has been supplemented where the additional concern of construction disturbance and its impact on the operation of the café has been raised.

There is uncertainty over where the boundary between No's 4 and 6 is located. The applicant has confirmed that they are satisfied that proper notices have been served in respect of this planning application and the Council has accepted this (together

with evidence from Land Registry). Future land ownership issues that might impact on the implementation of development would be a civil matter between the two parties.

**Additional Comments**

None.

**Additional/Amended Conditions**

None.

***Item 11 (Page 91-96) – CB/12/01391/FULL – Fairfield Park Lower School, Dickens Boulevard, Stotfold, Hitchin.***

**Additional Consultation/Publicity Responses**

None.

**Additional Comments**

None.

**Additional/Amended Conditions**

None.