

## LATE SHEET

### DEVELOPMENT MANAGEMENT COMMITTEE – 24 APRIL 2013

#### ***Item 6 (Page 9-26) – CB/13/00710/FULL – Dukeminster Estate (South East Corner), Church Street, Dunstable.***

##### **Further History decision:**

CB/11/03053 (DEM) – This demolition determination permitted demolition of the office block formerly on this site.

##### **Further consultation response:**

Anglian Water (15/4/13)

As there are assets owned by AW within or close to the development, ask for an informative to be attached. Dunstable STW has available capacity for foul water flows. Request that the agreed surface water strategy be conditioned.

##### **Additional comments:**

#### **2. Access and design**

The layout of the estate road within the site has been slightly changed, necessitating amending the relevant plan. Minor changes to some conditions to facilitate an early start on the site.

#### **3. Other considerations**

##### **Human Rights issues**

The proposal does not involve Human Rights issues.

##### **Equalities Act 2010**

Being a care home great attention has been given to access for those with mobility issues, both within vehicles and on foot, and for the protection of residents while on the premises.

##### **Amended conditions:**

- 20 (New wording) Within 3 months of the commencement of development detailed plans of the proposed highway lighting, using light emitting diodes (LED) within the development shall be submitted to and approved in writing by the Local Planning Authority and the building hereby approved shall not be occupied until that lighting has been installed in accordance with the approved details.  
(Reason and policy unchanged).

- 21 (New wording) Within 3 months of the commencement of development a scheme to restrict the speed of traffic on the estate road shall be submitted to and approved in writing by the Local Planning Authority and the building hereby permitted shall not be occupied until that scheme has been implemented in accordance with the approved details.  
(Reason and policy unchanged).
- 23 (New wording) This permission relates only to the details shown on drawings 847-PL-001, 010, 100, 200, 300, 400, 500, 600, 601, 602, 605, 606, 607, 410012/SK/150D, 151C, 152A, 0446 1.1B received 27/1/13; and M10026-A-003D received 18/4/13.  
(Reason unchanged).

**Additional informative:**

5. 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 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 diversions works should normally be completed before development can commence.

***Item 7 (Page 27-42) – CB/13/01069/FULL – St Christophers Academy, Gorham Way, Dunstable.***

**Additional Consultation/Publicity Responses:**

1. **Dunstable Town Council** – Object to the new entrance from St Christophers Close on the grounds of:
- Vehicle congestion in the Close
  - Child safety
  - Security
- However no objection to the erection of a temporary classroom block.
2. **Neighbours** – Objection letters received:  
1,2A, 3,4, 5,6,7, 9,10, 11,12,14,17, 18, 19, 20,21, 26, 28,30, 34, 34A, 36,38, 40, 44, 48, 54,56 58, St Christophers Close, 24,26,32 Linden Road
- Object to the creation of an additional pedestrian access in St Christophers Close. The objections raised repeat the same concerns summarised in the main report.
  - Also concerns raised about the need for rights of way to be acquired over land within Number 5's ownership.

3. **Email from the local MP** – requesting the objections from the St Christophers Close residents to be considered prior to the determination of the application.
4. **Petition Against (37)** – Mainly St Christophers Close residents.

Signatories from St Christophers Close and Linden Road confirming objection against installation of a gate in St Christophers Close but not against the erection of a modular classroom building.

Complaint raised about the timing of the committee meeting in the morning.

5. **Petition in support (35)** – Mainly Gorham Way residents.

Application supported on the understanding that:

- a new pedestrian access would be opened in St Christophers Close;
- the building would be removed after seven years as it would no longer be required; and
- the building is maintained in keeping with the school.

Gorham Way cannot take any additional traffic. A new pedestrian access in St Christophers Close would relieve the pressure. Currently traffic overflows onto Thornbury, Calcutt Close and Evelyn Road during school times. Driveways get blocked during drop off and pick up times and emergency vehicles have difficulty manoeuvring. The proposed additional 5 parking spaces are welcome but 10 would be ideal given the increase in staff members over the past years. The school bus parks on the zig zag lines hence further worsening the problem. If zig zag lines are increased in Gorham Way, this will only push the traffic even further onto adjoining roads. Access in St Christopher Close would give the school an emergency exit should it be required.

#### **Amended Condition:**

**Condition 4** (Traffic Regulation Orders) – replace 9 with 3 months.

#### **New Condition 5**

The pedestrian access in St Christophers Close hereby approved shall be put in place and made ready for use by the first day of opening the school building and shall thereafter only be used between the hours of 8-9am and 3.15 - 4.15pm during the week.

Reason: In order to promote sustainable means of transport by reducing journey times.

(Policy 43 D.S.C.B)

All the other subsequent conditions will be re-numbered as a result of this additional condition.

#### **Additional Informative 4:**

The applicant is advised that in order to comply with Condition 5 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 to implement the waiting restriction. Further details can be obtained from the Development Planning and Control Group, P.O.Box 1395, Bedford, MK42 5AN.

**Correction to the report:**

On page 30, third line – replace the word ‘north’ with ‘south’ so as to read, ‘--- south west of the main school building’.

***Item 8 (Page 43-48) – CB/13/00867/FULL – 30 Beecroft Way, Dunstable.***

**Additional Consultation/Publicity Responses:**

Dunstable Town Council – No objections.  
No responses have been received from the public consultation.

**Additional Comments:**

None.

**Additional/Amended Conditions/Reasons:**

None.

***Item 9 (Page 49-54) – CB/13/00920/FULL – 2 Milebush, Linslade, Leighton Buzzard.***

**Additional Consultation/Publicity Responses:**

Leighton-Linslade Town Council – No objections.  
No additional responses have been received from the public consultation.

**Additional Comments:**

The agent declined to reduce the width of the front dormer. As noted in the report, it is considered that the width of the dormer is acceptable.

**Additional/Amended Conditions/Reasons:**

None.

***Item 10 (Page 55-66) – CB/12/04284/FULL – Land at White Gables Farm, Blunham Road, Moggerhanger.***

**Additional Consultation/Publicity Responses:**

Highways Development Management

Thank you for the consultation dated 12<sup>th</sup> March, I make the following observations on behalf of the highway authority and apologies for the delay in responding.

Whilst I have concerns regarding the location of this site in relation to access to the strategic highway network and in particular to the damage being caused to the surrounding rural road network by the HGV's associated with the site, I am conscious of the planning history of the site and established use. This proposal is unlikely to result in additional; HGV movements and as such I have no justifiable grounds to refuse the proposal as submitted.

I note that the approved access at the eastern end of the site has not been constructed as previously agreed but is referred to in this submission. On the assumption that the construction of the access can be conditioned to be completed within a reasonable timescale (as short as possible) of the grant of permission I have no grounds to formally oppose the application.

In addition to that condition the following advice note is also recommended.

Advice Note: The applicant is advised that in order to comply with the access construction condition 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 Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

Seven further letters received from residents objecting to the application. The comments are summarised below –

- Expansion of the business has an impact on amenity, privacy visual character of the area. The village location is not suitable for a haulage business of this level.
- The vehicles cause damage to the verges and the highways due to the narrow roads. Road has deteriorated over the last few years and there is a 7.5 weight restriction.
- Business operates 24 hours a day, 7 days a week, with approx 100-120 movements a day and 30-50 at weekends,
- 'Grain store' is used for haulage business with inappropriate urban lighting
- Andersons operators license allows for 6 lorries and 8 trailers. This is exceeded.
- Traffic also generated by non- Andersons lorries
- The applicant fails to carry out the requirements of planning conditions
- Conditions are not adhered to with regard to time restrictions etc
- Surfacing of the main access has not been carried out

- Site is not appropriate for this type of business at the scale that it operates
- At Committee site visit Members are asked to view the whole length of Blunham Road.

#### **Additional Comments:**

A revised plan has been received SC/ACCESS/02 showing the staff parking area within the red line of the application site. Conditions need to be amended to reflect the revised plan number where necessary.

#### **Additional Informative:**

##### NOTES TO APPLICANT

The applicant is advised that in order to comply with the access construction condition 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 Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

#### ***Item 11 (Page 67--84) – CB/13/00492/FULL – The Boot, 110 High Street, Langford, Biggleswade.***

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

##### Public Protection response -

I would like to make the following comments on the above application;

I note that the current application has relocated the hall further away from the existing residential properties on Common Road and has relocated the air conditioning plant and appears to have enclosed it. The applicant has indicated that he is willing to enclose the air conditioning units to achieve Central Bedfordshire's noise standards for plant.

In correspondence the applicant has also indicated that there will be no amplified music within the Gospel Hall. In addition there have been no noise complaints to date to public protection regarding noise from the use of the Biggleswade Gospel Hall.

I have also noted that as the proposed use is a place of worship it will be exempt from requiring a Premises Licence for regulated entertainment under the Licensing Act 2003 and therefore prevention of public nuisance cannot be achieved through this means.

The neighbouring residents are also likely to be disturbed by noise from the congregation arriving and departing and utilising the car parking area. I would advise that consideration is given to conditioning the hours of use of the premises to ensure that any such disturbance is kept to a minimum. However I understand that the applicant is not amenable to having such a condition imposed as they would value some flexibility. They contend that they have not caused nuisance in the other locations that they operate at and have submitted two letters of support from residents who reside next to the Gospel Hall in Biggleswade.

The applicant has suggested a condition to restrict the use of the car park to those spaces adjacent to the hall entrance to minimise disturbance to residents from vehicle noise from those attending the 6am Sunday service. I welcome this as good practice but am not sure that a condition to this effect would be practicable to enforce.

In conclusion, I have no objection to the proposed development subject to the following conditions being attached to any approval to protect residential amenity;

1. Noise resulting from the use of air conditioning plant shall not exceed a noise rating level of -5 dBA, Leq when measured according to BS4142: 1997 at the boundary of any adjoining or nearby residential property.

Reason: To protect the amenity of adjacent residential occupiers.

2. The Hall hereby permitted shall not be used for the playing of amplified music at any time without the prior approval in writing of the Local Planning Authority.

Reason: To protect the amenity of adjacent residential occupiers.

#### Tree and Landscape Officer - Response to Tree Survey

Robert Yates provides a very good tree survey and I would suggest that his recommended approach to the site and the trees on it should be followed.

Certainly the trees that are of most importance on the site are those on the north boundary with the road and they would be inevitably be damaged during the development of the site unless the procedures and methodology in the survey are followed. Specifically the installation of protective fencing as detailed along with ground protection and method of foundation construction.

If recommendations in the survey are followed then it is likely that trees to be retained can be retained in good health throughout development and into the future.

#### No comments received from Ecology Officer relating to Protected Species Survey.

#### Two additional objection letters received

No objection to conversion of the Boot. Reservations on the gospel hall, site entrance is in close proximity to the roundabout and bus stop layby and building is on a flood plain. Design of building not shown only a chapel built in Biggleswade as an example. Design not in keeping with village.

Object to meeting rooms for Plymouth Brethren. Already a Gospel Hall in Biggleswade. Will encourage more vehicles to the village.

**Additional Comments:**

A Tree Survey Report has been received along with a Protected Species Survey.

Cllr Gill Clarke confirmed that Langford Parish Council had a meeting with the applicant and after receiving the Supplementary Planning Statement, they have decided not to object to the application. Cllr Clarke wishes to withdraw from speaking at DMC.

Further to Chairman's briefing yesterday the amount of disabled parking spaces provided was questioned. Highways Officers have confirmed 3 spaces for disabled drivers are recommended. Looking at the layout there is room available to easily widen one of the spaces to enable provision of a third disabled space.

Incidentally there is only a shortfall of one space if we base the requirement on GFA - if we were to exclude the toilets the maximum number of parking spaces required would be 45. The Parking Strategy does not make it clear what approach should be taken. In my experience parking requirements are usually GFA minus areas such as toilet facilities, kitchens, cloakrooms etc

A condition can be attached to the permission to cover the additional space.

**Additional Conditions/Reasons:**

Noise resulting from the use of air conditioning plant shall not exceed a noise rating level of -5 dBA, Leq when measured according to BS4142: 1997 at the boundary of any adjoining or nearby residential property.

Reason: To protect the amenity of adjacent residential occupiers.

The Hall hereby permitted shall not be used for the playing of amplified music at any time without the prior approval in writing of the Local Planning Authority.

Reason: To protect the amenity of adjacent residential occupiers.

Notwithstanding the parking arrangement shown on the submitted plan, development shall not begin until a plan indicating three parking spaces for disabled drivers has been submitted to and approved by the Local Planning Authority. Occupation of the premises hereby approved shall not take place until the approved scheme has been provided.

Reason: In order to ensure on-site parking provision appropriate to the development



## ***Item 12 (Page 85-94) – CB/13/00333/REG3 – Land adjacent to 94 Ampthill Road, Flitwick.***

### **Comments received from Re-consultation:**

2 x letters received (from 'no. 4 The Birches' and '94 Ampthill Road Management Ltd') raising the following concerns:

#### 94 Ampthill Road Management Ltd

- *There is concern that the proposed vehicle access way is not gated or secured in any way thus affording access during “unofficial hours” to third parties who are likely to cause damage and nuisance to adjacent property occupiers.*

Response: An appropriate condition will be attached to any grant of permission

- *In the light of highway safety there is a need to revisit the application. The access way adjoins the Ampthill Road immediately adjacent to a bus stop and a pelican crossing. The petrol station opposite together with other neighbouring commercial units will also attract considerable traffic on the already very busy main road.*

Response: No development on the vehicle access shall take place until further details have been submitted to and approved in writing by the Local Planning Authority.

#### 4 The Birches

- *Will there be a small bridge across the ditch (in the South East perimeters of the plan near Suds Pond) to retrieve loose footballs being kicked across into the neighbouring field. This would also stop the many school children throwing pallets into it in order to get across. There is a great opportunity to develop a cycle way from Flitwick Moors all the way up to the new cycle path developed in readiness for Centre Parks.*

Response: Whilst the comments are noted this is not a material planning consideration for planning consent.

### **Revised / Additional Recommended Conditions:**

#### Revised condition 2

**Notwithstanding the details shown on plan 91325/G2/95/A (received 9/4/13) no development shall take place until details of vehicle access, access gate and on site parking have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and the scheme shall be fully implemented before the pitches are brought into use**

**Reason: In order to safeguard highway safety.**

#### Revised condition 3

Notwithstanding the details shown on plan 91325/G2/95/A (received 9/4/13) a scheme for a soil bund, to include details of the source and type of material, height, length and width, to be constructed on the southern boundary of the site adjacent to the existing residential properties shall be submitted to and approved in writing by the

Local Planning Authority. The scheme shall include details of appropriate defensive landscaping. The development shall be carried out in accordance with the approved plans and the scheme shall be fully implemented before the pitches are brought into use

Reason: In order to protect the amenities of nearby residents and to ensure the mound is not used for casual play.

#### Condition 7

Before the pitches are first brought into use, details of any lighting to be erected, including height; design and details of its level of intensity, shall be submitted to and approved in writing by the Local Planning. The lighting shall be erected in accordance with the approved details.

Reason: In the interests of residential amenity and the safety of traffic on the adjoining road network.

#### Condition 8

Before the pitches are first brought into use, details of any fencing to be erected, including height, design and materials together with details of any gates or openings, shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details. Any perimeter fencing shall be provided prior to the use hereby permitting coming into effect.

Reason: In the interests of visual amenity and the safety of traffic on the adjoining road network.

#### Condition 9

No sound reproduction or amplification equipment (including public address systems, loudspeakers, tannoys etc) which is audible from the site boundary shall be installed without the prior written consent of the Local Planning Authority.

Reason: In order to protect the amenities of nearby residents.

#### Condition 10

The pitches hereby permitted shall not be used except between the hours of 0930 to 2100 Monday to Friday, 0800 to 2100 on Saturdays and 0900 to 1600 Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: In order to protect the amenities of nearby residents.

#### Condition 11

If during the site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: To protect human health and the environment.

Condition 12

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 91325/G2/95/A; 91236/G7/SI-90/REV A.

Reason: For the avoidance of doubt.