

## Item No. 10

<b>APPLICATION NUMBER</b>	<b>CB/15/02248/FULL</b>
<b>LOCATION</b>	<b>Land adj. to Flitwick filling station, High Street, Flitwick, Beds. MK45 1DU</b>
<b>PROPOSAL</b>	<b>Residential development - 4 no. 1 bedroom apartments.</b>
<b>PARISH</b>	<b>Flitwick</b>
<b>WARD</b>	<b>Flitwick</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Chapman, Gomm &amp; Turner</b>
<b>CASE OFFICER</b>	<b>Sarah Fortune</b>
<b>DATE REGISTERED</b>	<b>17 June 2015</b>
<b>EXPIRY DATE</b>	<b>12 August 2015</b>
<b>APPLICANT</b>	<b>Urban Fox Developments Ltd.</b>
<b>AGENT</b>	<b>Sherwood Architects Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Councillor Andrew Turner for the following reasons: very small site overcrowded with four flats, does not fit in with local street scene, access to/from the site is difficult on a very busy road, inadequate parking and only one visitor parking allocated and no other available parking locally due to restrictions . Possible further issues from any potential residents objecting to business next door and industrial noise.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommend Approval</b>

### Summary of Recommendation

The site lies in the settlement envelope of the town of Flitwick which is identified as a Major Service Centre in the Core Strategy (2009). There are no objections to the principle of the erection of four no. one bedroom flats on this site, which would be located within close proximity to the Railway Station and local shops. The scheme as amended, is not considered to represent overdevelopment of the site, and the design and layout is in keeping with the character of the site and its surroundings. There are no highways objections, provided that conditions are attached to any permission, and no undue adverse impact on the amenities of neighbours. Potential noise issues can be mitigated by conditions. Issues raised by Network Rail are also to be addressed by conditions.

### Site Location:

The application site is on a triangular shaped site adjacent to the railway line and the High Street within the town of Flitwick. The site is currently open scrub land that was formerly garden land and is adjacent to a commercial business which comprises of a former petrol station (known as Flitwick Filling Station) that is now being used as a van hire business and car wash facility. To the east is High Street (A5120) and to the west is the railway line - (the main north/south London Midland

railway.)

### **The Application:**

Planning permission is sought for the erection of a two storey building comprising of four one bedroomed residential units. There is to be covered parking on the ground floor, bin store, bike store, entrance staircase and one residential unit and the first floor is to comprise of three apartments. Access to the site is to be off High Street. There is no access to the site at present.

### **RELEVANT POLICIES:**

#### **National Policy**

National Planning Policy Framework (2012)

Section 6: Delivering a wide choice of quality homes.

#### **Central Bedfordshire Councils Core Strategy and Development Management Policies 2009**

Policy CS1	Development Strategy
Policy CS2	Developer Contributions
Policy CS4	linking communities - Accessibility and transport
Policy DM3	High quality development
Policy DM4	Development Within and Beyond Settlement Envelopes
Policy DM10	Housing Mix

#### **Emerging Development Strategy for Central Bedfordshire 2014**

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council issued judicial review proceedings on the 12th March 2015 against the Inspector's findings. At the Council's Executive Committee on 6th October 2015, members agreed to recommend to Full Council (19th November 2015) that the Development Strategy be withdrawn and to discontinue legal proceedings. Once withdrawn no weight should be attached to the Development Strategy. However, its preparation was based on and supported by a substantial volume of evidence studies gathered over a number of years. These technical papers are consistent with the spirit of the

and therefore will remain on our web site as material considerations which may inform further development management decisions.

Policy 19	Planning Obligations and CIL
Policy 38	Development Within and Beyond Settlement Envelopes
Policy 43	High quality development

## Supplementary Planning Guidance

Central Bedfordshire Councils Technical Guidance - *Design in Central Bedfordshire: A guide for development*

## Planning History

CB/14/01336/FULL	Residential development comprising of 3 apartments: Withdrawn: 14/05/2014.
CB/14/ 02559/FULL	Residential development comprising of 3 apartments within a 3 storey block and the provision of car parking. Refused: 22/08/2014 Appeal Dismissed: 22/01/2015.

## Representations: (Parish & Neighbours)

Flitwick Town Council	Objects on grounds that would lead to overdevelopment of the site, there would be a lack of parking and poor manoeuvrability for the spaces that have been allocated, access/egress onto an already busy section of High Street, out of character with the street scene and the aesthetic views of the building from Steppingley Road. Also concerned that if this development is approved where would the building materials be stored during the building works and what would be the impact on neighbouring properties - not to mention traffic movement during this time.
-----------------------	---

Neighbours	Occupier of Drivestyle objects on grounds that:  <u>Represents overdevelopment of the site</u> in conflict with local plan policies, overbearing and out of scale, other nearby properties are single storey and it will totally blank out our site and have an adverse impact on our business <u>method statement</u> A detailed method statement is required for the build process before planning is approved. Cannot see how Pile driving, deliveries to the site etc .. can be achieved without massive disruption to our business and the town. Most of the build can only be done from the footpath and highway.
------------	---

Noise Acoustic assessment A revised acoustic assessment has not been submitted. Our operation is 7 days a week with more vacuum cleaners at week ends and peak periods and being placed much nearer to the proposed development. Would like a sound insulation scheme to allow for 24 hours industrial noise coming from our site and allow for equipment to be used anywhere on our site and not just the far corner. Mixing industrial with residential has always been problematical. Do not want our operation to be closed down because of noise complaints for future tenants of this development. Want reassurance that no noise complaints from future residents could be entertained and affect our business.

App Adv

### **Consultations/Publicity responses**

Highways (CBC)	No objection subject to conditions
Public Protection (CBC)	No objection subject to condition
Network Rail	No objection - Recommends conditions
Highways England	No objection
Leisure Officer (CBC)	No comments
Waste Officer (CBC)	Bin storage will need to be able to accommodate 2 x 660 litre communal bins and be within 10 metres pull distance from the middle of the road to the bin store. Communal properties do not receive individual bins.

### **Determining Issues**

The main considerations of the application are;

1. The principle of development
2. Impact of the proposal on the character and appearance of the surrounding area
3. Residential Amenity
4. Any other considerations

### **Considerations**

#### **1. The principle of development**

- 1.1 A recent planning application for the erection of three apartments (parking at ground floor level, two one bed at first floor level and one two bed flat at second floor level) within a three storey block and the provision of car parking was refused on grounds that by reasons of its scale, layout and built form on this

triangular site it would result in a cramped and confined form of development appearing as overdevelopment of and out of character with the site and the surrounding area. This would have been in conflict with planning policies. (ref: CB/14/02559/Full). A subsequent appeal was dismissed on grounds that the development would have material harm to the character and appearance of the area by reason of its height, massing and context. The design was considered to be of poor quality. It would have been in conflict with planning policies in the Core Strategy and Development Management Planning Document dated 2009. There were no highways objections from the planning inspector. He did state that the proposals would make a small contribution to housing supply in an accessible location, would re-use vacant land, and contribute to the regeneration of the area and these matters weighed in favour of the proposal.

1.2

The Planning Inspector stated:

*'The three storey appeal building would appear unduly prominent and as an isolated feature due to its height and massing on this side of the street. In particular from a northerly approach it would appear elevated at the brow of rising land next to low level buildings. There would be only a limited setback of the long elevation fronting High Street, between 1.5m and 3.5m, although there would be a narrow area of open space tapering to a point at the tip. Whilst the proposals would not appear unduly cramped, it would be out of context on the narrow strip of land in relation to other buildings and uses on this side of the street due to its height and massing. ....*

1.3

*I conclude that there would be material harm from the appeal proposal to the character and appearance of the area on account of its height, massing and context. In this respect, there would not be a high quality of design. There is conflict with the objectives of policies CS14 and DM3 of the Core Strategy and Development Management Policies. Policy CS14 requires development to be of the highest quality, and amongst other matters, to respect local context. Policy DM3 amongst others things requires new development to be appropriate in scale and design to the setting.'*

1.4

The application site is within the settlement envelope for Flitwick. Flitwick is identified as a Major Service Centre in the Core Strategy and Development Management Policies for Central Bedfordshire (North). Policy DM4 of the same document states that new residential development commensurate with the scale of the settlement will be acceptable in principle subject to detailed planning considerations in terms of design, layout and scale. Policy CS4: 'Linking Communities - Accessibility and Transport' states that the Council will focus new development in locations which due to their convenient access to local facilities and public transport, promote sustainable travel patterns. Policy DM10 states that all new housing developments will provide for a mix of housing in terms of tenures and sizes in order to meet the needs of all sections of the local community.

1.5

The NPPF states in section 6 that housing applications should be considered in the context of the presumption in favour of sustainable development.

1.6

Whilst this site is only providing for one bed units aimed at single persons it is near to the railway station and other local facilities and will provide much needed accommodation in a sustainable location opposite other flatted development and will compliment the mix of housing accommodation being provided on other sites currently being developed for housing in Flitwick.

1.7

It is considered that the proposed development is therefore acceptable in policy terms/ principle. There is a current shortfall in housing supply and this site will help in a small way towards meeting the required housing provision and complies with the above policies.

1.8

The main issues are whether the site, siting and design of the proposed residential development is in keeping with the character of this part of the edge of the town centre of Flitwick, the residential amenity of future occupiers and the proposed access arrangements.

## **2. Impact of the proposal on the character and appearance of the surrounding area**

2.1 The application site is a triangular plot of land between the railway line and the High Street within Flitwick. Adjacent to the site is a small commercial business. Opposite the site on the other side of the road is a mixed development with residential and shops/ small businesses on the frontage.

2.2 Given the shape of the site, the built development has been designed to make use of the available space within the site. There is very little space around the building to the north, west and eastern boundaries, with a small wedge shape of space at the tip of the site. Given this design and arrangement it is accepted that whilst the proposal does appear as being quite a dense form of development it would not be out of character with the local townscape. This is a town centre site very close to Flitwick Station and will provide much needed one bed roomed units in a sustainable location.

2.3 There have been a number of changes to the layout and design of the proposals since the previous application which was dismissed on appeal. In particular the development is now only two storeys in height with the parking, bin store, cycle parking and entrance staircases at ground floor level and one of the residential units - (whereas the previous one was for a three storey building having all the parking at ground floor level and the dwelling units above) This has allowed for the bulk of the building to have been reduced. The gable end fronts onto the High Street so a roof elevation will be seen and this breaks down the visual bulk. The proposed development has also taken on board components of the Hawthorns development on the other side of the site - notably in the use of gabled roofs, bay windows and half dormer windows. Brickwork and render are to be used with concrete flat slate style roof coverings. The revised plans also indicate that there are to be additional apertures and cladding on the High Street (front) elevation. This gives the building a more interesting appearance from the road frontage which will be of benefit of the wider street scene.

2.4 To the east of the site there are a series of apartments and retail units with some offices - and their scale is three storey. Immediately to the north there is one

single and two storey accommodation. It is therefore considered that the proposed two storey development will blend into this area which has at present no particular character.

- 2.5 It is considered that the scale of the proposed development will not appear as undue overdevelopment of the site and would be in compliance with Policies CS14 and DM3 of the Core Strategy and Development Management Planning Document dated 2009 and policies 4, 38 and 43 in the emerging Development Management Policies for Central Bedfordshire (North) in terms of being appropriate in scale and design to their setting.

### **3. Residential Amenity**

- 3.1 There are no residential properties adjacent to the application site, with the High Street and railway line being the predominant features. There is a flatted development on the other side of High Street to the east but these flats are at a distance of over 22 metres at their closest. They will experience some loss of outlook and overlooking but not sufficient as to sustain an objection on these grounds. There are also dwellings on the other side of the railway line but these are at a distance of over 35 metres so there will be minimal loss of amenity to these occupiers by way of loss of outlook or overlooking.
- 3.2 There is a commercial business to the north called Drivestyle which incorporates a vehicle washing and hoovering facility and hires out vans. The owner of this facility has raised concern over the proposed residential development in terms of the noise impact on the proposed flats from this adjacent business use as well as from the railway line. Public Protection have commented on the application and advised that a condition should be attached to any permission which states that no occupation of the units shall take place until the applicant has demonstrated that the noise resulting from the railway and industrial uses does not exceed those specified in the Acoustics Report PJB7501/13423 dated June 2015. Thereafter any approved scheme shall be maintained in perpetuity. (The acoustic report attached to the permission presents a number of different options to meet noise criteria. The applicant can choose which one they wish to adopt but the key is that the applicant can demonstrate that the noise levels specified in the report can be achieved through post completion testing. The scheme that is adopted will then need to be specified in any post completion report and that scheme is the one which will need to be maintained thereafter).
- 3.3 The owners of Drivestyle next door to the site are concerned that the noise from the use of their vacuum cleaners at the site throughout the week will give rise to noise complaints from the occupants of the proposed flats. The environmental health officer has advised that he agrees with the findings of the acoustic assessment which concludes that conservatively, the predicted level will be below the ambient background and this meets the Council's standards and objectives in accordance with British Standard 4142. This standard is external to the proposed residential properties and therefore further attenuation will be provided by the structure of the properties themselves. Likewise the relevant facade of the proposed flats building which is next to Drivestyle has limited window apertures - the weak point in any structure - so there will be limited

opportunity for the transmission of noise through the structure.

- 3.4 There is a small area of communal land provided within the site at the tip of the plot, but the proposal does not provide any private amenity space for each flat. Whilst such private amenity space is desirable in this case these are small one bed flats not specifically designed for larger family accommodation. Also, the communal amenity space is very close to the road with a railway line to the immediate west so is not therefore a site where one would expect to sit outdoors.
- 3.5 On balance, it is considered that the proposed development would provide an acceptable level of amenity for likely future occupiers of such a development of one bed flats and therefore would be acceptable in terms of residential amenity.

#### **4. Any other considerations**

##### **4.1 Highways**

- 4.2 The access to the site has been altered from that provided for in the previously withdrawn application and is considered acceptable in highway terms. The applicant has submitted further drawings of site sections . The section drawing through the vehicle entry shows a normal dropped kerb arrangements on the footpath and a 1 in 10 gradient from the back of the footpath down into the site to the point where vehicles will pass under the structure and once into the underground car parking the slope reduces itself to 1 in 60 down towards the railway embankment. There is a shaded area on this plan which indicates where the land levels will need to be raised up to allow for these gradients to be achieved.
- 4.3 The Highways Officer has raised no objection to the proposed application in relation to the design and location of the access, manoeuvrability for cars within the site and parking provision subject to conditions being attached to any permission. She has also taken into consideration the location of the access onto a busy section of the road where there is a 30mph speed limit.
- 4.4 Communal refuse bins would be provided in the site within the covered parking area. There is no access on to the site for emergency vehicles but due to the public highway location fire fighting provisions are fully complied with to at least 50% of the external building envelope.
- 4.5 With regards to landscaping low level shrub plants have been provided on the site boundary fronting the High Street with a feature tree at the southern most point. The landscaping will be low maintenance and looked after by a management Company. The full details of landscaping are to be dealt with by way of conditions.

##### **4.6 Unilateral Undertaking**

The Ministerial Statement of 28 November 2014 set out the Government's new policy that affordable housing and tariff-style planning obligations should not be



sought for certain small development (10 dwellings or less, or 1'000 square metres of gross floor space). This a material consideration of significant weight to be taken in decision-making on planning applications.

- 4.7 However, significant weight should also be given to the NPPF which calls for the achievement of the three dimensions of sustainable development: economic, social and environmental. It is considered that policy 19 of the Submitted Development Strategy for Central Bedfordshire is in accordance with the NPPF. This states that developers are required to make appropriate contributions as necessary to offset the cost of providing new physical, social, community and environmental proposals. It is considered that there are no specific contributions that are required at this time for this development of four one bedroomed flats.
- 4.8 With regards to affordable housing this council is at present requiring 30% affordable housing on sites of four or more dwelling units. However, this application was submitted prior to the July 2015 challenge to the courts regarding the 10 number limit. In this case, however, the applicant advises that there are strong viability grounds as to why an affordable unit cannot be provided on this site. The applicant advises that the scheme will be costly to construct as it is next to the railway and incorpoates undercover parking. Also, no social landlord will want to take on a single bed unit in isolation.

#### 4.9 **Human Rights Issues**

There are no relevant issues under the Human Rights Act

#### 4.1 **Equality Act 2010**

There are no relevant issues under the Equality Act

#### **Network Rail.**

In view of the fact that the main line railway to London St Pancras runs to the immediate west of the site Network Rail have forwarded lengthy comments on the application. They have recommended that a number of conditions and Notes to the applicant be attached to any permission to ensure the safety operational needs and integrity of the railway. The applicant has also been liaising with Network Rail direct.

### **Recommendation**

That Planning Permission be granted subject to the following conditions.

### **RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act

1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building in the interests of the visual amenities of the locality.  
(Policy 43, DSCB)**

- 3 No occupation of the units hereby approved shall take place until the applicant has demonstrated that the noise resulting from the railway and industrial uses does not exceed those specified in the Acoustics report PJB7501/13423 dated June 2015. Thereafter the scheme shall be maintained thereafter.

Reason: To safeguard the amenities of occupiers of the dwelling units hereby permitted.

- 4 No building shall be occupied until the junction of the proposed vehicular access with the highway has been constructed in accordance with the approved details.

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

- 5 No dwelling shall be occupied until the widened footway has been constructed in accordance with details on the approved drawing no. 40. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway. (See Note to applicant).

Reason: In the interest of road safety and pedestrian movement.

- 6 The proposed vehicular access shall be surfaced in bituminous or other similar durable materials as may be approved in writing by the Local Planning Authority for a distance of 5.0m 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 much or other extraneous materials or surface water from the site into the highway so as to safeguard the interest of highway safety.

- 7 Any gates provided shall open away for the highway and be set back a distance of at least 5.0m for the nearside edge of the carriageway of the adjoining highway.

Reason: To enable vehicles to draw off the highway before the gates are opened.

- 8 The maximum gradient of the vehicular access shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.

- 9 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the parking provision inclusive of visitor parking on the site shall not be used for any purposes, other than as parking provision, 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.

- 10 The proposed development shall be carried out and completed in all respects in accordance with the access, siting and layout, pedestrian visibility splays, visibility splays and visitor parking layout both vehicular and bicycle, and refuse collection point illustrated on the approved drawing no. 40 and defined by this permission and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that order). There shall be no variation without the prior approval in writing of the Local Planning Authority. The vision splays shall for the perpetuity of the use of the access remain free of any obstruction to visibility. The cycle parking and refuse collection point shall thereafter be retained for these purposes.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependant one upon another and to provide adequate and appropriate access arrangements at all times.

- 11 **No development shall take place until details of any lighting to be erected on the site has been submitted to and approved in writing by the Local Planning Authority. The location and colour of the lights must not give rise to the potential for confusion with the signalling arrangements on the railway.**

**Reason: To safeguard the safety, operational needs and integrity of the railway.**

- 12 The applicant is advised that bin storage must be able to accommodate 2 x 660 litre communal bins and be within 10 metres pull distance from the middle of the road to the bin store. Communal properties do not receive individual bins.

Reason: To ensure satisfactory provision for storage of bins at the site.

- 13 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

**Reason: To ensure an acceptable standard of landscaping in the interest of the visual amenities of the area.**

- 14 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. Security of the railway boundary will need to be maintained at all times. A suitable trespass proof fence shall be provided adjacent to Network Rail's boundary (minimum 1m high ) and provision made for its future maintenance and renewal. The boundary treatment shall be completed in accordance with the approved scheme before the use hereby permitted is commenced and be retained thereafter.

Reason: To safeguard the appearance of the completed development and the railway and protect the visual amenities of the locality.  
(Policy 43, DSCB)

- 15 **No development shall take place until details of the method of disposal of surface water drainage have been submitted to and agreed in writing by the Local Planning Authority, including any land drainage system. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been implemented. All surface and foul water arising from the proposed works must be collected and diverted away from the adjacent railway. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.**

**Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.**  
**(Policies 43 and 44, DSCB)**

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 40/a, 41/a, 42, 43, 44, 45, 05.

Reason: To identify the approved plan/s and to avoid doubt.

## Notes to Applicant

### 1. Will a new extension affect your Council Tax Charge?

The rate of Council Tax you pay depends on which valuation band your home is placed in. This is determined by the market value of your home as at 1 April 1991.

Your property's Council Tax band may change if the property is extended. The Council Tax band will only change when a relevant transaction takes place. For example, if you sell your property after extending it, the new owner may have to pay a higher band of Council Tax.

If however you add an annexe to your property, the Valuation Office Agency may decide that the annexe should be banded separately for Council Tax. If this happens, you will have to start paying Council Tax for the annexe as soon as it is completed. If the annexe is occupied by a relative of the residents of the main dwelling, it may qualify for a Council Tax discount or exemption. Contact the Council for advice on **0300 300 8306**.

The website link is:

[www.centralbedfordshire.gov.uk/council-and-democracy/spending/council-tax/council-tax-charges-bands.aspx](http://www.centralbedfordshire.gov.uk/council-and-democracy/spending/council-tax/council-tax-charges-bands.aspx)

2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. 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 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.
4. 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, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.
5. 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 Annexes – July 2010".
6. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a

condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during the construction of the development of cleaning the wheels of vehicles leaving the site.

7. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, with 3.0m of overhead electrical equipment or supports.
8. All excavations/earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to the commencement of works, full details of excavations and earthworks to be carried out near the railway undertakers boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.
9. Security of the railway's boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.
10. Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted: Asset Protection Project Manager, Network Rail (London North Eastern) Floor 2A, George Stephenson House, Toft Green, York YO1 6JT. ([assetprotectionlne@networkrail.co.uk](mailto:assetprotectionlne@networkrail.co.uk)). The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.
11. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to commencement of works and the works shall only be carried out in accordance with the approved method statement.

12. Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.
13. From the information supplied, it is not clear if any abnormal loads associated the construction of the site will be using routes that include any network Rail asset (e.g. bridges - in this instance particularly the bridge over Flitwick Railway Station). We would have serious reservations if during the construction operations of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would like also to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.
14. Consideration should be given to ensure that construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building shod be situated at least 2 metres of, from Networks Rail's boundary. This will allow construction and future maintenance to be carried out fro the applicants land, this reducing the probability of provision and costs or railway look-out protection, supervision and other facilities necessary when working for or on railway land. We note that provision for this requirement is made in the Design and Access Statement for this development.
15. The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposals onto network Rail land, no over-sailing into Network Rail air space and no encroachment of foundations onto network Rail land and soil. There must be no physical encroachment of any foundations onto network Rail Land. Any future maintenance must be conducted solely within the applicants' land ownership. Should the applicant require access to Network Rail land then he must seek approval from the Network Rail Asset Protection team. Any unauthorized access to network Rail land or air space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to network Rail land then they will be liable for all costs incurred in facilitating the proposal.
16. The applicant is advised that parking for contractors vehicles and the storage of materials associated with this development should take place within the site and not extend into and within the public highway without authorisation from the highways authority. If necessary the applicant is

advised to contact Central Bedfordshire Council's Highways help desk on 0300 300 8049. Under the provisions of the highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

17. In view of the nature of the proposed developments there will be an increased risk of trespass to the railway. The Developer must provide a suitable trespass proof fence adjacent to network Rail's boundary (minimum approx 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing/wall must not be removed or damaged.

Reason: To ensure the safety, operational needs and integrity of the railway.

18. Method statements may require to be subjected to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to minimum proper notice period for booking of 20 weeks. Generally if excavations/piling/buildings are not located within 10m of the railway boundary a method statement should be submitted for NR approval.

19.

**Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Network Rail must be involved in the approval of an landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved by Network Rail to ensure that it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are listed below:**

**Acceptable:**

**Birch (Betula), Crab Apple Malus Sylvestrix), Field Maple (Acer Campestre), Bird Cherry (Prinus Padus), Wild pear (Poyrs Communis), Fir Trees - Pines (pinus), Hawthorn (cretaegus), Mountain Ash - Whitebeams (Sorbus), False Acacdia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat "Zebrina".**



**Not Acceptable:**

**Acer (Acer pseudoplatanus), Aspen - Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Savita), Ash (Fraxinus Excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platphyllos), Common lime (Tilia x europea).**

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage and during the consideration of the application which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.