

Item No. 10

APPLICATION NUMBER	CB/15/02248/FULL
LOCATION	Land adj. to Flitwick filling station, High Street, Flitwick, Beds. MK45 1DU
PROPOSAL	Residential development - 4 no. 1 bedroom apartments.
PARISH	Flitwick
WARD	Flitwick
WARD COUNCILLORS	Cllrs Mrs Chapman, Gomm & Turner
CASE OFFICER	Sarah Fortune
DATE REGISTERED	17 June 2015
EXPIRY DATE	12 August 2015
APPLICANT	Urban Fox Developments Ltd.
AGENT	Sherwood Architects Ltd
REASON FOR COMMITTEE TO DETERMINE	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.
RECOMMENDED DECISION	Full Application - Recommend Approval

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 2015, (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. 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.
2. 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.

3. 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.
4. 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".
5. 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.
6. 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.
7. 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 infrastructure or railway land.

8. 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.
9. 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). 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.
10. 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.
11. 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.
12. From the information supplied, it is not clear if any abnormal loads associated with 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.
13. 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 should be situated at least 2 metres of, from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, this reducing the probability of provision and costs of 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.

14. 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.
15. 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.
16. 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.

17. 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 as 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 be located within 10m of the railway boundary a method statement should be submitted for NR approval.

18.

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 pseudopltanus), Aspen - Popular (Populus), Small-leaved Lime (Tiolia 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 line (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.

Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.

2. In advance of consideration of the application the Committee were advised of additional consultation / publicity responses as detailed in the Late Sheet from:
 - a. Highways England
 - b. Central Bedfordshire Council Highways Officer
 - c. Network Rail