

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 9 DECEMBER 2015

Item 6 (Pages 15-42) – CB/15/02419/FULL – Land North of Flexmore Way, Station Road, Langford.

Additional Consultation/Publicity Responses

No further comments.

Additional Comments

No further comments.

Additional/Amended Conditions

No further comments.

Item 7 (Pages 43-64) – CB/15/03182/FULL – Former Pig Unit, Hitchin Road, Stotfold, Hitchin, SG5 4JG.

Additional Consultation/Publicity Responses

Education Officer comments –

Education response to the planning application at the Pig Testing Unit, Fairfield: CB/15/03182/Full

This response is in support of the planning application for 131 dwellings at the former pig testing unit in Fairfield. The application includes a lower school site, and £3 million in education S106 contributions, which would provide lower school places and make the development sustainable from an education perspective.

Lower School Pupil Forecasts

The school organisation forecast is showing the need for additional lower school places from September 2016:

The forecasts were produced in summer 2015 and do not include the expected impact from 131 additional dwellings at the former pig testing unit. The need for additional lower school places in this area is driven by the impact of housing development and steps have been taken to provide additional lower school capacity in light of the demand for places. Fairfield Park lower school was expanded to 2 forms of entry for September 2013, Shefford Lower School also expanded by 1 form

of entry for September 2013 and an additional form of entry has been provided at Roecroft Lower School from September 2015.

Development at the former pig unit will create further demand for places and the sites of all the existing local lower schools cannot accommodate any further expansion. Providing a new lower school as part of the Pig Unit development would prevent the need to seek school places further afield and transport very young children across the authority, which would incur revenue costs for the authority and is likely to be highly unpopular.

Additional Comments

Internal Drainage Board updated comments –

As you are aware a meeting was held yesterday between the Board's representatives and Andy Girvan of Campbell Buchanan to discuss a way forward after the Board objected to the proposed surface water drainage strategy for the revised planning application. It is essential that due to the current and historical flooding issues encountered downstream of this site flows are restricted and do not increase flood risk. The result is that a revised FRA will now be submitted based on the principles agreed. Therefore following on from your discussions today with Andy Girvan, the Board would be prepared to accept a suitably worded pre commencement condition along the lines of the following :-

“No development shall commence until a revised storm water strategy has been submitted and approved by the local planning authority. For the avoidance of doubt the strategy shall require a discharge rate at or below the current demonstrable formalised discharge rate for the site”.

Revised Landscape Master Plan submitted to reflect discussions with Landscape Officer relating to woodland boardwalk area. Plan Number P440/001 rev B.

Additional/Amended Conditions

No development shall commence until a revised storm water strategy has been submitted and approved by the local planning authority. For the avoidance of doubt the strategy shall require a discharge rate at or below the current demonstrable formalised discharge rate for the site. The development shall be implemented in accordance with the approved details.

Reason: To ensure the development does not pose a risk to flooding in accordance with the NPPF.

Drawing Number condition updated with P440/001 rev B.

Item 8 (Pages 65-80) – CB/15/03751/VOC – Riveroaks, Stanford Lane, Clifton.

Additional Consultation/Publicity Responses

Additional comment received from Clifton resident –

Permission was granted on the basis that this site was for a family unit. Removing the condition would allow any number of persons to occupy the site. Object to application for this reason.

Additional Comments

No further comments.

Additional/Amended Conditions

No further comments.

Item 9 (Pages 81-92) – CB/15/03767/FULL – Westbury, Deepdale, Potton, Sandy, SG19 2NH.

Additional Consultation/Publicity Responses

No further comments

Additional Comments

No further comments

Additional/Amended Reasons

No further comments

Item 10 (Pages 93-122) – CB/15/02258/FULL – Land off Marston Road, Lidlington, Bedford, MK43 0UQ.

Additional Consultation/Publicity Responses

Lidlington Parish Council additional comments received 30th November 2015.

- The Parish Council are aware this site has planning permission granted for a commercial use, the Parish Council have not sighted a change of use planning permission for this site.

- The additional houses will add more vehicles movements at the A507 junction which is already very dangerous, it is asked that this be considered as safety improvements are needed to this junction, and none are programmed in at present.
- The current development in this locality has a number of vehicles parking constantly around the approach to the roundabout on Marston Road, which is dangerous. Any additional housing would add to this problem. The proposed thoroughfare to the new area of housing would take away the main area that currently being used to cope with the current inadequate parking provision. Thus leading to further displacement of vehicles that have no where to park.
- The additional housing will bring a great strain on the utilities currently serving the houses off Marston Road, these will be come overloaded. The village regularly suffers from power cuts due to this issue.
- There is a well documented problem with low water pressure as well.
- The Parish Council would like to see the permissive path upgraded to a full public right of way as a condition of this development, if permission is to be granted, as this was a promised planning gain on Phase 1, which to date has never happened.
- The Council question whether plots marked 29 to 31 are compliant with the East West Rail upgrade plans that no new houses are to built within 30metres of the proposed upgrade.
- The Council are disappointed not to see any self build plots available.
- The Council feel the proposals are unsustainable as they have a negative impact on the village, taking away employment opportunity

Ecologist

No further comments.

SuDs

Previous comments still stand.

Landscape Officer

The boundary frontage has been redesigned and I would like the planting scheme to be further amended to ensure that the Marston Road frontage has a complete and unified scheme. This would be through an extension of the native shrub planting. I note that there has been a reduction in the number of trees planted, e.g. the small group closest to the access road now only has one tree - a birch - remaining. This tree will need to be substituted for a tree of greater stature, still preferably native. A birch tree is not appropriate for a "gateway " feature.

I am also concerned about the specification of *Acer freemannii*- as this is a hybrid between *A. rubrum* and *A. saccharinum*. Could the landscape architects please ensure that this tree is not used as a street tree - as I have concerns about the eventual height and root impact. *Acer rubrum* or *A. campestre* varieties could be used.

Petition

A copy of a petition that was sent to the developer in October 2014 was received. This raised a number of concerns about the proposal following a public exhibition and was signed by 41 residents, this was unfortunately not noted in the report. It raised the following concerns:

- Traffic and site access
- Current local developments
- Employment permission
- Local amenities
- Playground relocation
- Nearby residents
- Railway line
- Drainage
- Broadband
- Existing responsibilities

Further representation received from a resident in Riglen Close, raise no new issues other than to consider further the tree planting and landscaping scheme. A condition has already been imposed should permission be approved requiring a landscaping scheme.

Additional Comments

S106 Draft Heads of Terms: These have been agreed and a draft S106 has been circulated to all parties.

Financial contributions have been secured for the Middle and Upper School provision as detailed in the report and requested by the Council's Education Officer.

Middle School - £71,882.30

Upper School - £88,146.41

East West Rail

The position on the East West Rail and the improvements to the line at this point were referred to in the Officer's report. However, for clarification Network Rail were consulted on the application and raised no objection on this issue. The East West Rail project team were also consulted and no response was received.

The plans are still out for consultation and there is no defined scheme in place. It is therefore considered that we cannot withhold planning permission on this basis.

Footpath

The Parish Council raised a point regarding the permissive footpath being a dedicated public right of way secured through the previous S106 on the adjacent site. The provisions of the S106 on the adjacent site will be investigated and any issue arising will be taken up with the developers.

Additional/Amended Conditions

- 15 **No development shall take place until details of measures to prevent access onto Network Rail land have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason and Justification:

In order to protect users of the adjacent public open space and safety of the railway line.

- 16 **No development shall commence until full details of ground levels, earthworks and excavations to be carried out near to the railway boundary have been submitted to and approved in writing by the Local Planning Authority and Network Rail.**

Reason: To protect the adjacent railway from de-stabilisation and subsidence.

- 17 **No development shall commence until details of the disposal of both surface water and foul water drainage directed away from the railway have been submitted to, and approved in writing by the Local Planning Authority and Network Rail.**

Reason: To protect the adjacent railway from the risk of flooding and pollution.

- 18 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Planning Statement (September 2015); LVIA (November 2015); Design and Access Statement (November 2015); Sustainability Statement; Report on Marketing; Ecological Appraisal; Arboricultural Assessment; Flood Risk Assessment; Utilities Report; Phase II Ground Investigation; Noise Assessment; Transport Assessment; 20282_02_010_01 Rev C; 20282_01_230_001 Rev H; S242_110 Rev C; S242_100 Rev I; S242_101 Rev I; S424_130 Rev D; S242_210 Rev I; S242_200 Rev I; 20282_06_170_01.1; S242_211; GL0408 01D; GL0408 02A; SH11 (elevations) Rev B; SH11 (plans); SH27 - X5 Rev B; SH35-X5 (2013) Rev B; SH35-X5 Rev B; P332-5 Rev G; P341-WD5 (1 of 2) Rev A; P341-WD5 (1 of 2) Rev F; P341-WD5 (2 of 2) Rev K; H421-5 (1 of 2) Rev G; H421-5 (2 of 2) Rev L; H452-5 (1 of 2) Rev F; H452-5 (2013) (2 of 2); H456-5 (2013) (2 of 2); H456-5 (2013) (1 of 2); H469-X5 (1 of 2) Rev I; H469-X5 (2013) (2 of 2) Rev A; H486-5 (1 of 2) Rev A; H486-5 (2013) (2 of 2); H533-5 (1 of 2) Rev F; H533-5 (1 of 2) Rev F; H533-5 (2 of 2) Rev F; H536-Y5 (2013) (1 of 2) H536-Y5 (2 of 2) Rev M; H585-5 (1 of 2); H585-5 (2 of 2); LDG1H; XTG2S; XSG1F; XDG2S.**

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

Additional Informatives

6. 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.
7.
 - Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to Network Rail Asset Protection, once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWSouth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.
 - All surface water is to be directed away from the railway Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway. Drainage works could also impact upon culverts on developers land. Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment or de-stabilisation of land through water saturation.
 - Full details of the drainage plans are to be submitted for approval to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the approval of the Network Rail Asset Protection Engineer.
 - No infiltration of surface water drainage into the ground is permitted other than where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

If the developer and the LPA insists on a sustainable drainage and flooding system then the issue and responsibility of flooding and water saturation should not be passed onto Network Rail and our land. The NPPF states that, "103. When determining planning applications, local planning authorities

should ensure flood risk is not increased elsewhere,” We recognise that councils are looking to proposals that are sustainable, however, we would remind the council in regards to this proposal in relation to the flooding, drainage, surface and foul water management risk that it should not increase the risk of flooding, water saturation, pollution and drainage issues ‘elsewhere’, i.e. on to Network Rail land.

- We would draw the council’s and developer’s attention to the Department of Transport’s ‘Transport Resilience Review: A Review of the Resilience of the Transport Network to Extreme Weather Events’ July 2014, which states, *“On the railways, trees blown over in the storms caused severe disruption and damage on a number of routes and a number of days, particularly after the St Jude’s storm on 28th October, and embankment slips triggered by the intense rainfall resulted in several lines being closed or disrupted for many days..... 6.29 Finally the problem of trees being blown over onto the railway is not confined to those on Network Rail land. Network Rail estimate that over 60% of the trees blown over last winter were from outside Network Rail’s boundary. This is a much bigger problem for railways than it is for the strategic highway network, because most railway lines have a narrow footprint as a result of the original constructors wishing to minimise land take and keep the costs of land acquisition at a minimum.”*

In light of the above, Network Rail would request that no trees are planted next to the boundary with our land and the operational railway. Network Rail would request that only evergreen shrubs are planted and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

- Trees can be blown over in high winds resulting in damage to Network Rail’s boundary treatments / fencing as well as any lineside equipment (e.g. telecoms cabinets, signals) which has both safety and performance issues.
- Trees toppling over onto the operational railway could also bring down 25kv overhead lines, resulting in serious safety issues for any lineside workers or trains.
- Trees toppling over can also destabilise soil on Network Rail land and the applicant’s land which could result in landslides or slippage of soil onto the operational railway.
- Deciduous trees shed their leaves which fall onto the rail track, any passing train therefore loses its grip on the rails due to leaf fall adhering to the rails, and there are issues with trains being unable to break correctly for signals set at danger.

The Network Rail Asset Protection Engineer must approve all landscaping plans.

Network Rail has a duty to provide, as far as is reasonably practical, a railway free from danger or obstruction from fallen trees. Trees growing within the railway corridor (i.e. between the railway boundary fences) are the responsibility of Network Rail. Trees growing alongside the railway boundary on adjacent land are the primary responsibility of the adjoining landowner or occupier.

All owners of trees have an obligation in law to manage trees on their property so that they do not cause a danger or a nuisance to their neighbours. This Duty of Care arises from the Occupiers Liability Acts of 1957 and 1984. A landowner or occupier must make sure that their trees are in a safe condition and mitigate any risk to a third party. Larger landowners should also have a tree policy to assess and manage the risk and to mitigate their liability.

Item 11 (Pages 123-142) – CB/15/03296/OUT – High Gables Farm, Clophill Road, Maulden.

Additional Consultation/Publicity Responses

The CBC Planning Policy consultation response has been duplicated. As such, the response should be replaced with the following text:

- *The housing trajectory is in the public domain as evidence for the Henlow appeal.*
- *This shows that the Council have a 5 year supply, with headroom.*
- *As such, Paragraph 49 of the National Planning Policy Framework continues to be a significant material consideration in determining applications.*

Additional Comments

Replace the text within the “The Application” section with:

“The application seeks outline planning permission for a single storey dwelling on the site of an existing timber agricultural building. The existing timber agricultural building would be demolished in order to accommodate the proposed new dwelling.

A plan (drawing no. CBC/002) has been submitted to identify the residential extent of the proposed development. This plan is referred to as the Residential Parameter Plan within this report.”

Replace “30 April 2015” within Paragraph 1.6 (under CB/13/02290/OUT) to “30 April 2014”

Additional/Amended Conditions

No further comments.

Item 12 (Pages 143-164) – CB/15/03253/FULL – Church of Saint Mary Magdalen, Church Road, Westoning.

Additional Consultation/Publicity Responses

Letter in support from Westoning Lower School.

The school children are frequent visitors to the Parish Church for services at Easter, Harvest Festival etc.. and at many of these services children from the local pre school, parents and carers are included. The pupils enjoy walking to the Church and it is good to have services at the Church as a whole school - as the school site lacks space for this. The pupils' experience at the Church would be greatly enhanced by the addition of a Parish Room. It would have adequate toilet facilities and the additional space would offer the opportunity for small group work and discussion and the possibility of offering refreshments for the children and parents that accompany the children walking to the Church.

Three letters in support from local residents:

The village hall is not always available for church events. It is too cold and expensive to heat the Church. There is only cold water available in the Church and one toilet in an outside brick building. It is not possible to have additional facilities inside the church. The proposed Parish Room is essential for church work with children, meetings and fund raising events for the Church. It will also be available for the wider community. The need for the facility is constantly increasing.

The parking problems are over exaggerated. Marshalls control the parking at weddings and funerals and the Church uses a large parking area in the Vicarage and some neighbours offer parking in their driveways. We acknowledge that more needs to be done in the future to avoid blocking areas of Church Road when Sunday services are held. Unaware of any changes in this application which might stop it being approved as it was originally.

Church membership has been increasing and the church is flourishing. There is a thriving, active church community. Various activities and support groups are held either in the Church or in peoples homes and it would be great to offer those activities in a Parish Room. It is a format that other churches have adopted. It could be used for tea, coffee and fellowship at the end of each service and after funerals and baptisms. Even if there is not a Parish Room car parking requirements will still be there when the Church is used for weddings and other functions when people also come from outside of the village. Parking will be dealt with as it is at present with cones, volunteers, church marshals and directions to other safe parking areas in the village. The new activities will tend to be much smaller group meetings/functions many of these being villagers who walk to the Church and this will not impact on car parking.

Additional Comments from the applicant.

There are at least 10 car parking spaces at the 'new' Vicarage. This is an informal arrangement. The church intends to investigate what opportunity there may be for the

provision of parking within the Church yard but anticipate that the existing constraints will limit this.

With regards to a possible Traffic Regulation Order are willing to give consideration to this but the Church is a charitable organisation and cannot use it's resources for matters that could be funded in other ways. Would be interested to know what other local organisations have been approached for contributions particularly given that on-street parking in Church Road is a general problem throughout the week with traffic generated by a multitude of activities, organisations and residential properties.

Additional/Amended Conditions

None.

Additional Informative

This permission relates only to that required under the Town and Country Planning Act and does not include any consent or approval under any other enactment or under Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Item 13 (Pages 165-174) – CB/15/03807/FULL – Hadrian Academy, Hadrian Avenue, Dunstable, LU5 4SR.

Additional Consultation/Publicity Responses

18 Goldstone Crescent:

- Concerns regarding a discrepancy regarding allocated staff parking spaces within the application documents submitted.
- Concerns with staff numbers relayed differently within the application documents.

Additional Comments

The application proposes four additional staff parking spaces. Although there can be no restriction with regard to the employment of additional staff, the school have stated that as no additional staff are proposed at the time of making this application.

Item 14 (Pages 175-184) – CB/15/03920/FULL – Hadrian Academy, Hadrian Avenue, Dunstable, LU5 4SR.

Additional Consultation/Publicity Responses

88 Hadrian Avenue:

- Detrimental impact arising from indiscriminate on-street parking.

Drayton Crossroads Farmhouse, Drayton Newton:

- Detrimental impact arising from indiscriminate on-street parking.

18 Goldstone Crescent:

- Concerns regarding a discrepancy regarding allocated staff parking spaces within the application documents submitted.
- Concerns with staff numbers relayed differently within the application documents.

96 Hadrian Avenue:

- Requests that condition require the classrooms not be used outside of 08:00 – 18:00 and not at all at weekends

Additional Comments

The application proposes four additional staff parking spaces. Although there can be no restriction with regard to the employment of additional staff, the school have stated that as no additional staff are proposed as part of this application.

Hadrian Academy do hire out facilities in the school – primarily for the benefit of their pupils, but also for others in the local community. The main facility is the school hall which is provided for hire to local groups. Therefore, imposing time restrictive conditions may restrict current activities.

In addition, Hadrian Academy offers a comprehensive afterschool offering. This does alter on a termly basis, but currently the following activities that usually finish at 16:15 are provided:

Monday: Football club, Netball club and Art club;

Tuesday: Athletics club, Drama club, Mad Science club and Cooking club;

Wednesday: Hockey club and Science Club;

Thursday: Orchestra (before school), Basketball club (Hotshots), Drama club and French club;

Friday: Street Dance (before school), Select Sports and Cheerleading club.

Current external lettings at Hadrian Academy are:

- Slimming World on a Monday evenings 19:30 to 21:30;
- Beezee Bodies Dietician on Wednesday evenings 18:00 to 20:00;
- Hadrian Christian Fellowship on Sunday mornings 09:30 to 13:00.

The breakfast club and afterschool club run from 07:30 and to 17:30 respectively. This would be the primary use of the new space created behind the dining room. The school would like to be able to offer this up to 18:00. The space would lend itself to being let out for groups such as Slimming World and Beezee Bodies Dietician, so you can see that any time restriction would impact the current ability of the school to generate some modest income and help it be sustainable.

It is considered that the pressure on parking would be significantly reduced outside school hours.

Item 15 (Pages 185-194) – CB/15/03779/FULL – Land rear of 30-32 Markyate Road, Slip End, Luton, LU1 4BX.

Additional Comments

As stated in the Committee Report, pre-application advice was released in 2014 which concluded the following:

The principle for additional residential accommodation is considered acceptable however an application for that proposed herein would only be considered acceptable overall, providing that the design and scale of the dwellinghouses proposed would compliment the character of the prevailing streetscene and would not be prejudicial to amenity or highway safety, taking on board all the comments attached herein.

Amended Reasons

Amended typos:

1. The proposed development would because of its siting to the rear of the strong building line appear incongruous and cramped, out **of** character with the existing uniform grain of development and with adjoining dwellings in the locality. The overall scale and bulk of the proposed dwellinghouses are out of keeping with the existing character of the dwellings and thereby would be harmful to the visual amenities of the street scene and of nearby residents. The proposal is therefore contrary to the principles of good design set out in the National Planning Policy Framework, Policies BE8 & H2 of the South Bedfordshire Local Plan Review and the Central Bedfordshire Design Guide.
2. The proposed development would, because of its size and close proximity with the boundaries of numbers 28 and 34 Markyate Road, appear unduly overbearing and result in an unacceptable impact upon adjoining properties. The proposal is therefore contrary to the principles of good design principles within the National Planning Policy Framework and to Policies BE8 and **H2** of the South Bedfordshire Local Plan Review.