

Item No. 15

APPLICATION NUMBER	CB/15/02258/FULL
LOCATION	Land off Marston Road, Lidlington, Bedford, MK43 0UQ
PROPOSAL	Residential development of 31 dwellings, including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated works.
PARISH	Lidlington
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Morris, Matthews & Mrs Clark
CASE OFFICER	Lisa Newlands
DATE REGISTERED	18 June 2015
EXPIRY DATE	17 September 2015
APPLICANT	BDW Trading Ltd and Henry H. Bletsoe & Son LLP
AGENT	Bidwells
REASON FOR COMMITTEE TO DETERMINE	Deferred from December Committee to discuss East - West rail representation.
	Previously Called in by Cllr Clark on the grounds it is outside the settlement envelope and potential impact on East-West rail improvements to the Marston Road crossing.
	Major development which is a departure from policy.
RECOMMENDED DECISION	Full Application - Approval subject to completion of S106 agreement

Recommendation:

That Planning Permission be approved subject to the completion of a Section 106 agreement to include compliance with a timetable and inclusion of this development within the 5 year land supply.

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 The development shall be carried out in accordance with the materials shown on drawing number S242_200 Rev I unless otherwise agreed in writing by the Local Planning Authority.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.
(Section 7, NPPF)

- 3 The boundary treatment shall be completed in accordance with the approved scheme shown on drawing number S242_210 Rev I before the buildings are occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
(Section 7, NPPF)

- 4 **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.
(Sections 7 & 11, NPPF)**

- 5 Details of the layout and design of the play area shown on the approved drawing, including the equipment, furniture, surfacing and boundary treatment to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be implemented prior to any houses being first occupied and retained thereafter.

Reason: To ensure the provision of adequate play and children's recreation facilities.
(Section 8, NPPF)

- 6 Development above ground level shall not begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from surfacing) in accordance with the approved details.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

- 7 Before first occupation of any dwelling hereby approved all other existing vehicle access points not incorporated in the development hereby permitted shall be stopped up by removing any hardsurfacing, reinstating the verge and highway boundary to the same line, level and detail as the adjoining

footway verge and highway boundary.

Reason: To limit the number of access points onto the highway where vehicular movements can occur for the safety and convenience of the highway user.

- 8 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, 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.

- 9 No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include proposals for construction traffic routes, the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs, together with on-site parking and turning of delivery vehicles and wheel wash facilities. The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.

Reason: In order to minimise danger, obstruction and inconvenience to the users of the highway and the site.

- 10 Development above ground level shall not begin until a scheme for the provision of integrated bat/ bird boxes within the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To increase biodiversity and ensure the provision of appropriate habitats within the development.

- 11 **Prior to the commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the local planning authority a scheme of noise attenuation measures which will ensure that internal noise levels from external rail and road traffic noise sources shall not exceed 35 dB LAeq, 07:00 – 23:00 in any habitable room or 30 dB LAeq 23:00 – 07:00 and 45 dB LAmax 23:00-07:00 inside any bedroom, and that external noise levels from external rail and road traffic noise sources shall not exceed 55 dB LAeq, (1hr) in outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority.**

Reason

To protect the amenity of future residential occupiers of the development hereby approved.

- 12 **No development shall take place until a Surface Water Drainage Strategy with the detailed design and associated management and maintenance plan of surface water drainage for the site, using sustainable drainage methods and site-specific percolation tests, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme and maintenance plan, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.**

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to others downstream of the site.

- 13 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority that the approved scheme has been checked by them and has been correctly and fully installed as per the approved details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the construction of the surface water drainage system is in line with what has been approved and will continue to operate as designed for the lifetime of the proposed development.

- 14 No dwelling hereby permitted shall be occupied until a scheme for the provision of waste receptacles has been submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place.

Reason: To ensure appropriate waste provision on the site.

- 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.**

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.**

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.

INFORMATIVE NOTES TO APPLICANT

1. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Management Group, Central Bedfordshire Council, Priory House, Monks

Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

2. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Management Group, 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. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide to Development" and the Department for Transport's "Manual for Streets", or any amendment thereto. Otherwise the applicant is advised that Central Bedfordshire Council as highway authority may not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.
5. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway 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.
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.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of consultation received from East west / Network Rail, objections from the occupiers of 10 Kerrison Close, Lidlington. In addition the Committee noted amendments to Conditions 16 and 17, all as set out in the Late Sheet appended to these minutes.
- (2) In advance of the consideration the Committee received representations made under the Public Participation Scheme.