

Item No. 6

APPLICATION NUMBER	CB/14/02348/OUT
LOCATION	Land at Station Road, Harlington
PROPOSAL	Outline: Redevelopment up to 45 residential units with associated amenity space, landscaping and parking provision. Demolition of existing bungalow.
PARISH	Harlington
WARD	Toddington
WARD COUNCILLORS	Cllrs Costin & Nicols
CASE OFFICER	Lisa Newlands
DATE REGISTERED	13 June 2014
EXPIRY DATE	12 September 2014
APPLICANT	C/o Koopmans Property Asset Management
AGENT	CGMS Ltd
REASON FOR COMMITTEE TO DETERMINE	Major Development with Parish Council objection
RECOMMENDED DECISION	Outline Application - Approval subject to the completion of a satisfactory S106.

Summary of Representation:

The proposal would involve the redevelopment of a vacant brownfield site, within the settlement envelope. The redevelopment of brownfield sites is seen as acceptable within the NPPF and as the site is within the settlement envelope with no detrimental impact on the character of the area, it is therefore considered acceptable in principle.

The application has demonstrated that an acceptable layout could be achieved on the site although this would be the subject of future reserved matters applications.

The only considerations within the application at this stage are the principle of development and the access. As stated above the principle is considered to be acceptable and the Highways Officer has confirmed that subject to conditions the proposed access would be acceptable. It is therefore recommended that planning permission be approved.

Site Location:

The site is an area of land some 0.77 hectares, situated adjacent to Harlington Railway Station. The site is brownfield land, previously used as a trailer yard, with hardstanding still present and a modest bungalow located at the site's access point.

The site is bounded to the west by Harlington Station and railway line, to the north by Station Road, which provides the access point to the site and to the east by residential development. Dwellings to the south-east are to some extent screened from the site by an existing tree belt, which is to be retained.

The Application:

Outline consent is sought for the redevelopment of the site for up to 45 dwellings. Consisting of a mix of 1 and 2 bedroom apartments, with the provision of associated parking and amenity space. All matters are reserved except access.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

Policy CS1: Development Strategy

Policy CS2: Developer Contributions

Policy CS5: Providing Homes

Policy CS7: Affordable Housing

Policy DM2: Sustainable construction of new buildings

Policy DM3: High Quality Development

Policy DM4: Development Within and Beyond Settlement Envelopes

Policy DM9: Providing a range of transport

Policy DM10: Housing Mix

Development Strategy for Central Bedfordshire 2014

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Relevant Planning History:

Application Number MB/05/00262/FULL

Description Construction of 60 space car park

Decision Granted

Decision Date 13/02/2008

Application Number MB/03/00982/FULL

Description Construction of car park (175 spaces) following demolition of existing workshop and office.

Decision Granted

Decision Date 13/02/2008

Consultees:

Harlington Parish
Council

Re-consultation response: Objection on the following grounds:

- the number of houses should be reduced to enable an increase in parking;
- the proportion of affordable housing is considered low considering the number of units planned;
- concerns that the costs for remediation work on the site could result in the loss of affordable housing;
- major concerns regarding water supply, sewage and surface water;
- the ingress/egress is considered insufficient to accommodate 2 way traffic and a footpath;
- the existing footpath into the village cannot be widened and is already unsafe and incomplete along Station Road;
- the vision splays are considered insufficient;
- the Parish Council are paying for a parking and safety audit to be carried out throughout the village and the results from this should be taken into account;
- The GP and Schools are already oversubscribed and yet no CIL will be charged to mitigate these issues;
- Positive point - it is a brownfield site and a good use for it.

Original response: No objection in principle but felt that serious consideration needed to be given to more parking and an appropriate design for ingress and egress, with S106 money being used to improve the safety of Station Road, and for a bridge to be considered from the site into the Station.

Affordable Housing
Officer

This application provides for 11% affordable housing which is not in accordance with our current affordable housing requirement. However, I do support this application as the proposal now incorporates an element of affordable housing provision (5 units) which is a step in the right direction as the original application proposed zero affordable units based on site viability issues. Since the original application discussions have taken place between the applicant and the Council which has resulted in the inclusion of affordable housing within the development.

The Strategic Housing Market Assessment (SHMA) indicates a required tenure split from developments meeting the affordable threshold as being 63% rent and 37% intermediate tenure. This would make a requirement of 3 units of affordable rent and 2 units of intermediate tenure from the proposed development. I would like to see the units dispersed throughout the site and integrated with the market housing to promote community cohesion and tenure blindness. I would also expect all units to meet all HCA design and quality standards.

It may be worth considering incorporating a review

mechanism into the S106 agreement which reviews the financial viability again upon completion. If this viability indicates that the scheme has delivered a greater return than that indicated by the developer then we can request a financial contribution to be made in lieu of the onsite provision of affordable housing over and above the 5 units delivered on the site.

Rights of Way

Harlington Footpath No.24 runs adjacent to the site. This footpath is very narrow and ideally I would like to make the path wider (where possible). The surface of the path is in desperate need of some attention and will need re-surfacing (approx 300m long). This path also attracts use from cyclists so some low level bollard lighting may be appropriate.

The footpath must remain open and available for use at all times, unless a closure is applied for. We will need 6 weeks notice prior to any closure.

Ecology

I have read through the submitted ecological scoping survey and I am satisfied that the proposed development would not have a detrimental impact on a protected species. Thorough surveys have been undertaken and a comprehensive suite of mitigation measures are proposed. The planning statement suggests in 4.51 that these are conditioned. As the measures are so detailed cover the construction phase as well as enhancement measures I would recommend that a **condition** is placed on planning permission requiring the submission of a Construction Environmental Management Plan which can include the necessary details for mitigation from chapter 4 of the ES.

Conservation Officer

Although not situated in the conservation area and not immediately visible it is located next to an important group of cottages and any development needs to reflect the urban grain of the village and the immediate street scene.

The outline planning application has responded positively to the pre-application advice given. The revised proposals have taken into consideration the domestic scale of the village with its interspersed semi, detached and small groups. The requirement to break up a previously terraced development has been addressed satisfactorily. The revised layout is supportable.

Public Protection

The application is accompanied by a revised acoustic assessment prepared by Sharps Redmore which indicates that it is technically feasible to develop the site for residential purposes subject to certain mitigation, including glazing, ventilation and an acoustic fence.

Internally noise levels will be controlled by enhanced glazing and mechanical ventilation, meaning that residents in order to seek respite from excessive noise will require windows to be kept shut. Indeed the internal

layout has been designed to minimise noise intrusion into habitable rooms. One of the outstanding matters previously was that the applicant had not considered the railway tannoy system and its potential impact on receptors. They now acknowledge that such remains an issue and advise that the tannoy system is clearly audible across the whole site. However, once again they fail to deal with the intrusive element of this in their mitigation conclusions and therefore this matter will be subject to further assessment requirements. The likely solution will be to ensure that all appropriate windows are fixed shut to ensure that noise from the tannoys is inaudible at night.

In terms of outdoor amenity space a fence is required along the boundary with the railway line extending to a height of 3m. Even with this in place not all amenity areas will comply with the World Health Organisations noise criteria of 55dB(A) which is considered to be a limit which if exceeded will result in serious annoyance daytime and evening. Having discussed this in detail with you I suggest that this is not sufficient grounds for objection.

I am willing to recommend approval of the proposal subject to the imposition of an appropriate condition. I propose a different wording to that proposed by the application given both the outline nature of the application and the need for further assessment of tannoy noise and its impact across the site. I don't believe that it is simply sufficient to suggest that only windows with direct line of sight require treatment but such assessments can be dealt with at the reserved matters stage. There is also an element of post completion testing required as part of this condition given the sensitive nature of the site.

“Any reserved matters application shall include a detailed assessment and subsequent scheme for protecting the proposed dwellings from noise from the railway (including noise from the railway station public address system). Prior to any development commencing the final scheme shall be submitted to and approved in writing by, the local planning authority. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Contaminated
Officer

Land Due to the previous use of the site please attach the following conditions to any permission granted:

No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

1. *As shown to be necessary by the Phase 1 RSK report of 2010, a Phase 3 detailed **remediation scheme** with measures to be taken to mitigate risks to potable water and building materials. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any **permitted building** is occupied.*
2. *The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a **validation report** (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.*

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health, building integrity and the environment

Minerals and Waste

Thank you for consulting the Minerals and Waste Planning team on application CB/14/02348/OUT. As the site does not fall within a Mineral Safeguarding Area the development is unlikely to lead to the sterilisation of minerals.

I note that the development involves the redevelopment of brownfield land and the demolition of an existing bungalow and I therefore suggest that there may be considerable scope to reuse and recycle the construction and demolition waste generated from the development. Reuse and recycling is supported in the MWLP:SSP (2014) and MWLP (2005) policy W5 "Management of wastes at source: Waste Audits". I therefore request for a waste audit to be submitted which demonstrates how the production of waste will be reduced and how waste recycling and recovery rates will be maximised. Please include an appropriately worded condition which requires the submission and approval of a waste audit, if you are minded to recommend approval.

Useful information on waste audits is available in the SPD – "Managing Waste in New Developments" which is

available from the CBC website here:

<http://www.centralbedfordshire.gov.uk/planning/minerals-and-waste/supplementary-planning-document.aspx>

Waste

Finally, please note, the Minerals and Waste Local Plan: Strategic Sites and Policies 2014 (MWLP:SSP) policy WSP5 “Including waste management in new built developments” requires all new development to include sufficient and appropriate waste storage and recovery facilities in their design and layout. I suggest that this matter could be dealt with at the reserved matters stage. No objection subject to the following being considered at reserved matters stage.

- Each block will need a specific built bin store, this will need to be located a maximum of 10 metres from the road side
- the bins stores will need to be adequate in size to accommodate recycling, domestic waste and food waste bins
- In front of each bin store there will need to be dropped kerbs
- Full tracking of the site using our vehicle specifications
- is the access road to be adopted
- Provide details of the turning location, again to be tracked.

Archaeology

The proposed development site is on the western edge of historic core of the medieval village of Harlington (HER 17007). Harlington is recorded in the Domesday Survey of 1086 AD and is, therefore, likely to have its origins in at least the late Saxon period. Archaeological investigations to the east have shown that deposits relating to the medieval village survive. The medieval settlement is a heritage asset with archaeological interest as defined by the *National Planning Policy Framework*. The site is also in an area of considerable archaeological potential. There is evidence of Roman and Saxon occupation (HER 101) to the west, including Roman buildings and Roman and Saxon cemeteries and to the south west there are remains of a early-middle Iron Age farmstead (HER 12811). This evidence suggests that the site is located within an archaeological landscape which has not been extensively investigated and has the potential to contain archaeological remains dating from the later prehistoric onwards. There are records of a substantial though uncharacterised earthwork immediately to the west of Harlington Station opposite the site.

The application includes an *Archaeological Desk-based Assessment* (CgMs June 2014) which describes the archaeological context and potential of the site and utilises geotechnical information to examine the level of

ground disturbance that may have occurred at the site. The *Assessment* concludes that the site has moderate to low potential to contain archaeological remains of the Roman and medieval periods and low potential for all other periods. It is suggested that any remains that the site may contain are likely to be relatively isolated finds or features or land division features considered to be of local interest. I think that this rather under plays the potential of the site. There is evidence of substantial Roman and Saxon occupation in the area and the site is close to the historic core of the village of Harlington where archaeological deposits relating to the medieval period are known to survive. Therefore, I believe the site has the potential to contain remains of Roman, Saxon and medieval occupation which have been identified as regional research priorities in the published regional archaeological research frameworks.

The *Assessment* suggests that former uses of the site including construction of the railway and associated sidings and the former trailer yard will have had an impact on the survival of archaeological remains. Geotechnical information shows that there is up to 1.5m of made ground over parts of the site above glacial deposits. The previous uses of the site are likely to have had some impact on any archaeological remains the site contains. However, the glacial deposits are superficial, overlying the Gault formation, it is the glacial deposits into which any archaeological features will have been cut. Any recent made ground will also overlie archaeological remains and could provide some measure of protection for the deposits. It is now well proven that archaeological deposits can and do survive in areas where there have been successive periods of development and redevelopment. Therefore, despite any ground disturbance that may have occurred as a result of former uses of the site there is good potential for archaeological remains to survive at the site.

Paragraph 141 of the *NPPF* states that Local Planning Authorities should require developers to record and advance understanding of the significance of heritage assets before they are lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (CLG 2012). Policy 45 of the *Development Strategy for Central Bedfordshire* (Revised Pre-submission Version, June 2014) echoes this and also requires all developments that affect heritage assets with archaeological interest to give due consideration to the significance of those assets and ensure that any impact on the archaeological resource which takes place as a result of the development is appropriately mitigated.

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of any surviving heritage assets with archaeological interest. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development and the scheme will adopt a staged approach, beginning with a trial trench evaluation, which may be followed by further fieldwork if appropriate. The archaeological scheme will include the post-excavation analysis of any archive material generated and the publication of a report on the investigations. In order to secure this scheme of works, please attach the following condition to any permission granted in respect of this application.

“No development shall take place until a written scheme of archaeological investigation; that adopts a staged approach and includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme.”

Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development.

This request is in line with the requirements of Chapter 12 of the *NPPF* and policy 45 of the *Development Strategy for Central Bedfordshire* (Revised Pre-submission Version, June 2014).

Network Rail

We are pleased to see that some of our comments from our previous response of 14 July 2014 have been taken into account with the revised site plan, however, we still require a Swept Path Analysis be undertaken to determine if one of our low loader vehicles would be able negotiate the site to reach and enter the adjacent railway access point safely and unobstructed.

Given the nature of the railway maintenance and the essential need for 24/7 access to the railway at this site, additional signage should be provided at appropriate locations within the development at the developers cost, to warn residents to leave the access clear and unobstructed at all times and to advise that it is a railway

access point and usage is required on a 24/7 basis.

Below are some further requirements that must be met,

Two Metre Boundary

From the plans provided the first building at the northern entrance to the site off Station Road appears very close to the railway boundary. Consideration should be given to ensure that the 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 from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

3. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
4. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
5. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
6. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

Fail Safe Use of Crane and Plant

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, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

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 commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only 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 Rails infrastructure or railway land.

Security of Mutual Boundary

Security of the railway 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.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto 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. We note from the plans that a 3m high fence is proposed for the site which would help satisfy this requirement.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted 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 a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.**

OPE

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, contact details as below. 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.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

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 the commencement of works and the works shall only be carried out in accordance with the approved method statement

Scaffolding

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.

ENCROACHMENT

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 proposal 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 applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised 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.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account. We note that the proposals include the addition of a 3m acoustic fence which would help mitigate this problem.

Trees/Shrubs/Landscaping

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. We would wish to be involved in the approval of any 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 to ensure 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 provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "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 Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Party Wall

Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall Act 1996. Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that given the issues relating to the site we would urge that the plans are carefully considered in the light of our established access and the need not to fetter the ability of the railway to carry out essential maintenance. However, should the development be approved we would wish to see that the **drainage, boundary fencing, Armco barriers, method statements, soundproofing, lighting and landscaping** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

Tree and Landscape
Officer

I refer to my original site visit on the 29th May 2013 and my subsequent comments made in respect of Pre App CB/13/01135/PAPC, where concern was expressed regarding the boundary trees .

The Tree Survey undertaken by Ian Keen Limited has not been supplied with a plan that relates to the positions of the trees, but clearly a plan had been produced when the survey was undertaken, as the report refers to one. This plan should be submitted, and will allow us to clearly see those trees being indicated for removal, and the value of each tree surveyed.

Also, any final design and indications of housing density, should be based on a Tree Constraints Plan where the designer can refer to Root Protection Areas and other constraints such as shading and canopy spread, to enable a satisfactory juxtaposition of buildings to those trees being retained. The final design should be then accompanied by an Arboricultural Method Statement and Tree Protection Plan.

Transport Strategy

Policy Summary

It is clear from the elements of the policies above – that development should contribute towards an improve transportation network. This over-arching policy is supplemented by a detailed assessment in the Local Area Transport Plan for the area (detailed below).

Harlington Local Area Transport Plan

Harlington, like all areas of Central Bedfordshire has a specific Local Transport plan which is an evidence based plan which looks at the particular issues that affect the area.

There are high levels of car ownership in this area which are reflected in how people travel to work, with 80% of people driving to work in their car (which is higher than the National or CB average). Reflecting the close

proximity of Harlington railway station, a relatively high percentage of residents take the train to work (16%). There is also a significant level of out-commuting, where 69% of commuters commute from the area to nearby major urban areas.

Harlington Station is the main public transport infrastructure facility in the area. Access between platforms is provided by way of a footbridge over the railway. With the exception of Platform 4 and the ticket office, there is no step-free access between the platforms. The station currently does not operate to its potential as an effective transport interchange. The station is served by few, infrequent bus services, and both bus stops for the station are unmarked on the side of the highway. The 127-space station car park is also often full, with resulting car parking problems on nearby streets. Due to its popularity with commuters, the car park at Harlington Rail Station is at or close to capacity by 9am on most weekdays. This leads to issues with station users parking on local residential streets that are not subject to parking restrictions, as well as discouraging some off-peak travel by train. Parking charges, and the availability of car parking after the peak periods, also result in local people driving to other stations, such as Flitwick and Legrave, to catch a train.

Public and Stakeholder Responses to the LATP

Integrating local transport modes, particularly public transport, was seen as key to getting people to travel more sustainably. For public transport, there was a desire to provide services based on demand as opposed to running routes as they always have done.

In Harlington the station parking issue is linked to a much bigger issue at the station. Local people and stakeholders highly value their local station and see it as a significant community asset, with a number of local people using it to commute to work, but it does not live up to its potential as an effective transport interchange. A lack of local buses serving the station, combined with poor stop quality, is a particular issue. An issue that was consistently raised by local people and stakeholders was that of all-day on street parking close to the train station, owing to high parking prices at the station and an often-full car park. As well as causing inconvenience, inconsiderate parking also acts as a barrier for pedestrians and cyclists.

Site Specific Comments

The proposed development is on a site that was previously identified (and granted planning permission) for extra car parking for the Station. As detailed above the provision of station parking and consequences for on

street parking is a concern and therefore the building of housing on this site would absolutely remove the possibility of providing increased public car parking in the vicinity of the station. In order to mitigate against this lost opportunity the development should look to improve the design to incorporate measures that could improve access to the station.

Policy dictates that developments should contribute to improved transport infrastructure. However, this development seeks to 'exploit' its location next to the station – rather than contributing to the improvement of the station and wider transport infrastructure.

In general terms the development has not come up with a design solution that fully addresses some of the issues evidenced in the LATP. There are existing pressures and deficiencies in Harlington and this development would put extra pressure on the local network.

A fundamental element that would improve the scheme would be to provide an access point onto the eastern platform of the station and an 'interchange' arrangement.

The eastern platform is the platform for southern departures towards Luton and London and is the busiest. However, this platform can only be accessed via steps and therefore provides a significant barrier for those with mobility concerns. The applicants should therefore provide an access point into the eastern station platform which should be step free and form an integral part of the design of the scheme.

The access to the station platform is something that the applicants should progress with Network Rail and I would expect the applicants to make all reasonable endeavours to progress this and incorporate it into a revised design.

Earlier design iterations showed a design that encompassed an 'Arrival Square' in the northern part of the site – which has now been shown to be located in the central southern part of the site. This 'Arrival Square' could be located to the north of the site - so that it provides an access point into the station complex and provide an area for cycle parking and potentially a mini 'station interchange' which could provide a bus lay-by and car drop off area (subject to highway design approval).

Further improvements should be made to the access arrangements for cyclists and pedestrians into and through the site. The public footpath that runs along the eastern edge of the site should be improved and widened along its entire length to provide a safe, off road, cycle link from Pilgrims Close to the south. There is an existing hedge separating the path from the site, however, this hedge could be replaced with a higher quality mixed

native species hedge – once the path is widened.

Harlington Station is one of the oldest operational stations in Central Bedfordshire (built in 1868) and although the site falls outside the conservation area for the village – the design should sympathetically reflect the history of the station and the scale of the buildings should not overly dominate the setting of the station.

Other Representations:

Neighbours

Objections received from:

9 Station Road

- safety of the access;
- excessive speed and volume of traffic entering and leaving the village;
- the blind corner entering the village over the railway bridge;
- proximity of Station access which causes queues of traffic at peak times;
- the cars parked outside the station cottages would obscure the vision of drivers exiting the proposed development and turning right onto Station Road;
- insufficient parking provided for the proposed development that will result in on street parking in surrounding areas;
- Access is unsafe for normal vehicle use;
- vehicles coming over the bridge will not see vehicles being held up behind a vehicle waiting to turn right into the proposed site;
- traffic calming measures are required to make the access to the site safe for use;
- Restricted vehicles continue to use Station Road because of inadequate signage in a westerly direction and lack of restriction enforcement.

13 Station Road

- traffic calming measures are required along the length of Station Road;
- possibility of changing Station Road into a one way system;
- road either side of the bridge is sinking, added traffic and a busy new road junction will not help the situation;
- the footpath across the bridge is already poorly lit and narrow and this will lead onto the new junction;
- residents parking for the Station Road cottages - contention between existing residents and commuters parking;
- vehicles coming over the the rail bridge in an easterly direction will not see vehicles held up behind a vehicle

- wanting to turn right into the proposed access;
- vehicles travelling in a westerly direction down Station Road will not get a clear view of vehicles emerging from the proposed access and wanting to turn right;

23 Wren Close

- The site was granted planning permission in 2007 for a 235 space car park to supplement the existing railway station car park on the other side of the line - given the continuing difficulties with the adequacy of railway station car parking generally, plus the failure to deliver the new railway station at The Wixams, it is not considered sensible for this latest (outline) planning application to be allowed;
- Consent should only be given by a renewal of the former 2007 car parking permission;
- land has largely been unused since Newton Haulage/ Newton Trailers moved;
- has been used by Network Rail for access and storage for their track and electrification materials required for the construction of the new Sundon freight loop;
- it is important that the internal layout of this proposed residential development allows reasonable access for a new entrance/ exit to Harlington Railway Station - on the London bound slow-line platform - most Thameslink stations are now double-sided and Harlington should be like these;
- a pedestrian and cycle access route should be incorporated giving access to the southbound direction platform.

7 Christian Close

- the number of units being proposed is too many for the site and surrounding areas;
- the proposal will cause traffic problems with exiting onto Station Road;
- sufficient parking should be provided for the proposed dwellings;
- negative impact on the amenities of properties that will be next to the site, and this will include overlooking, loss of privacy, noise and late night activities;
- the layout and density of this proposed site is inappropriate for such a narrow space and one that must allow for full access for the railway.

8 Christian Close

- the number of units is inappropriate to the size of the site;
- would wish to have assurances that all trees on the bridle way are safeguarded;
- Christian Close is in very close proximity to proposed units and the buildings are on an elevated site

overlooking houses - what privacy measures are proposed?

Letters of support received from the following:

49 Park Leys - in favour of the development

30 Pilgrims Close - Fully in support

Determining Issues

The main considerations of the application are;

1. The principle of development;
2. Affordable housing;
3. Layout, scale and character;
4. Residential Amenity
5. Transport Issues
6. S106 Contributions
7. Any other matters

Considerations

1. The principle of development

- 1.1 The application site is a brownfield site within the settlement envelope of Harlington. Harlington is defined as a large village. Policy CS1 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) states that in the rural part of the district new development will be limited in overall scale. Policy DM4 of the same document expands on this further stating that within settlement envelopes in large villages, small-scale housing and employment uses, together with new retail and service facilities to serve the village and its catchment will be permitted.
- 1.2 The residential development of the site is therefore acceptable in principle subject to detailed planning considerations. The proposal whilst being inside the settlement envelope for Harlington, will also provide further housing and assist in achieving a robust 5 year housing supply.

2. Affordable housing

- 2.1 The proposal was submitted with a viability assessment, which concluded that the scheme would be unviable with affordable housing provision and required reduced S106 contributions.
- 2.2 Following discussions with the applicant, the scheme has been revised and whilst it has been demonstrated unviable with affordable housing provision and contributions; the applicant has agreed to provide an element of affordable housing. The scheme is now providing 11% affordable housing which results in the provision of 5 units within the scheme. It is considered that this would be an acceptable level given the viability issues and ensure a sustainable form of development.

- 2.3 A review mechanism will be included in the S106 to ensure that if the scheme has delivered a greater return than indicated that we can request a financial contribution to be made in lieu of the onsite provision of affordable housing over and above the 5 units delivered onsite.

3. Layout, scale and character

- 3.1 The application is for outline consent only, with all matters reserved except access. However, the application is for up to 45 units and therefore there needs to be consideration in terms of whether the site could adequately accommodate this number of units and whether development of the scale proposed would be considered acceptable in terms of the character and appearance of the area.
- 3.2 The indicative layout shows the provision of 6 blocks of 1 and 2 bed apartments arranged linear across the site. In addition there are three coach-house style dwellings to the front. There are some amenity areas proposed around the blocks which will be adjacent to the railway line and parking/ main access road to the east of the site (curving round to the west of the site (adjacent to the railway line) at blocks 2, 3, 4, 5, and 6.
- 3.3 The proposed development would have a density of up to 58dph, and given the indicative layout would almost entirely fill the developable part of the site.
- 3.4 The character of the area is one of residential dwellings with a mix of cottages, terraces and semi-detached and detached dwellings within cul-de-sacs/ residential areas.
- 3.5 Consultation responses highlighted issues in relation to providing access to Harlington Station from the proposed development. Network Rail have confirmed that there is no immediate plans to provide access to the Station from this side of the bridge and cannot provide any information in terms of future plans that may come forward. The indicative layout ensures that there is a safeguarded link available through the access road/ car parking area to the platform if required. This could be conditioned on the grant of any planning permission and would need to be shown in any future layout submitted as part of a reserved matters application. This is considered acceptable and would not compromise the future provision of a link to the Station through the development if required.
- 3.6 Given the introduction of coach houses towards the front of the site and reduction in the number of units from that original submitted, it is considered that an acceptable form of development could be achieved on the site. The indicative layout shows how the units could be dispersed across the site and it is considered that this would be acceptable. Further details would be submitted at the reserved matters stage in order to assess the proposal in further detail.

4. Residential Amenity

- 4.1 The residential use of the site in itself would not be incompatible with existing residential uses to the eastern boundary. The layout, which would be assessed at reserved matters stage would need to demonstrate that the living conditions of existing neighbours would not be harmed through the loss of privacy, or by creating an oppressive or overbearing impact.

- 4.2 The proposed indicative layout shows that the access road would be adjacent to the existing footpath and existing properties on the eastern boundary of the site, for the first 95m. The indicative layout shows that the potential coach houses/ and block 1 would be some 12 metres from the side boundary of the eastern properties. Given this separation distance it is not considered that the proposal would result in any overbearing impact. The detailed design of the buildings at reserved matters stage would ensure that there would be no detrimental loss of privacy to these eastern properties.
- 4.3 Towards the rear of the site in relation to blocks 2 - 7, there is substantial screening that is to be retained and further details of this will be provided at the reserved matters stage. It is considered that this screening would prevent any loss of amenity to the existing residential properties in this area.
- 4.4 Despite the screening provided on site, the nearest block on the indicative layout would be some 10m at block 2, increasing to some 30m at block 6. This is considered to be an adequate separation distance and would ensure a satisfactory level of residential amenity.
- 4.5 In terms of future occupiers, any detailed reserved matters application would have to demonstrate that the layout/ scheme was designed in accordance with the Council's adopted Design Guide. This would ensure that a suitable level of amenity would be provided for new residents.
- 4.6 Given the illustrative layout plan and the information within the application, it is considered that the proposed site could accommodate up to 45 dwellings without any detrimental loss of amenity to the existing neighbouring residents.

5. Transport Issues

Access

- 5.1 The application is for outline consent with only detailed consideration of the access at this stage. The Council's Highways Officer has considered the application, and has raised no objection subject to conditions.
- 5.2 The Parish Council and a number of residents have raised some concerns regarding the access in relation to visibility on to Station Road, and the width of the access. The Highways Officer has confirmed that the removal of the existing brick built structure will assist in improving the access.
- 5.3 A robust Transport Assessment has been submitted with the application and shows that the appropriate visibility splays can be achieved at the access. The Highways Officer has stated that the visibility splays are Manual for Streets compliant. In terms of the visibility splay towards the bridge, whilst the perception may be that they are not sufficient due to the bend in the road, they are compliant and considered acceptable.
- 5.4 It is also noted that the proposal for residential would give rise to less of a traffic impact than the previous commercial uses.

Transport Strategy

- 5.5 Representations have been made by both residents, Network Rail and our

Transport Strategy team in terms of the possibility of access to the Station from the development site and any future aspiration to have access to the southbound platform on this side of the station.

- 5.6 Network Rail have confirmed that there are currently no future plans to introduce an access to the southbound platform and no scheme in place, that the applicant can facilitate/ address. Without a scheme in place, it would seem impractical for the development to be stalled on this basis. The illustrative layout shows a potential link through to the platform from the application site, this would be access from an internal road and would not result in any loss of amenity for future residents. This link would be safeguarded through a condition on the grant of any planning application and further details would be submitted at reserved matters stage in terms of the final layout and design of the link.
- 5.7 It is considered that given the comments from Network Rail in terms of any future plans/ aspirations the safeguarded link would ensure that should any future plans be developed for access on to the southbound platform that it is secured through the development and would therefore not compromise any future plans.
- 5.8 The Transport Strategy consultation response discusses the potential for the site to be some form of interchange and that they would like to resist the loss of the land. The applicants have demonstrated through the Transport Assessment that there is sufficient parking provision within the existing railway car park and that there is no requirement for car parking provision on this land. The issue of the S106 obligation/ previous permission for a car park will be discussed in section 7. It is considered that the provision of car parking on this site would be unviable given Network Rail's comments in terms of no future plans for access onto the southbound platform.

6. S106 Contributions

- 6.1 A viability assessment was submitted with the application and assessed by our Housing Development Officer. The scheme proved to be unviable with policy compliant affordable housing provision and S106 contributions. The applicant has entered into negotiations and 11% affordable housing units have been secured on the site (this equates to 5 units). As mentioned previously a review mechanism will be built in to the S106 that will enable us to review viability and if it is found that the site becomes more viable then we could seek a financial contribution towards off site provision.
- 6.2 In addition to this a sum of £12,000 has been secured towards parking restrictions measures within Harlington, this would assist in overcoming some of the parking issues within Harlington and direct the railway users to the official railway car park.
- 6.3 In addition to this a contribution has been sought from Leisures Services of £39,000 from the development to be used towards a project to replace the existing metal containers which are currently used by Harlington Junior Football Club and Cricket Club for changing and refreshment purposes with a sports pavillion. This was requested fairly late in the process and has been put to the applicant. An update of their response will be included in the late sheet.

7. Any other matters

Noise

Public Protection have raised concern regarding the proximity to the railway and the impact of noise on future occupiers. Where possible the indicative scheme shows that amenity areas, with the required noise levels can be achieved through design, as in using the buildings as blocks and re-orientation. They have also submitted indicative floor plans of the blocks closest to the railway line to show how habitable/ noise sensitive rooms could be orientated away from the railway line, with the non-habitable rooms such as kitchens and bathrooms fronting the railway line elevation and forming a sound block. Public Protection are content that through the detailed design acceptable noise levels can be achieved. There may be some instances where window detailing will need to be considered, but these will be minimal if the design is appropriate. Public Protection have therefore not objected to the application and have requested a condition.

Contamination

In terms of contamination, there has been no objection from Public Protection on this basis. A Phase 1 report was submitted with the application, this indicated that a Phase 3 survey would be required. A condition has been requested to ensure this is undertaken should planning permission be granted.

Previous Section 106 obligations on the site

The site became vacant when Newton Trailers moved to a site in Ridgmont. To facilitate the move, this site was offered as a car park to serve Harlington and the station. Planning permission was granted for a car park, however, this was not implemented due to lack of interest from Network Rail for a link to the southbound platform and lack of need. The provision of the car park was secured in the S106 agreement for the Ridgmont site. Following legal advice, it is considered that the obligation within the S106 is unenforceable and given that the permission has now lapsed for the car park, the car park could not be delivered through the provisions of the legal agreement.

Pre-application advice was sought from Officers and it was considered that given the circumstances of the S106 agreement and that the obligation could not be enforced that a residential use of the site would be acceptable in this instance.

Recommendation

That Planning Permission be approved subject to the following:

RECOMMENDED CONDITIONS / REASONS

- 1 No development shall take place until approval of the details of the appearance, landscaping, layout and scale of the development [and any other details required i.e. the landscaping adjoining it] within that area (herein called "the reserved matters") has been obtained in writing**

from the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 **No development shall take place until a written scheme of archaeological investigation; that adopts a staged approach and includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved scheme.**

**Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development (and to secure that protection and management of archaeological remains preserved in situ within the development).
(Section 7, NPPF)**

- 4 The plans to be submitted in accordance with Condition 1 of this permission shall include a tree survey carried out in accordance with BS5837 2012 which shall identify the location of all trees on the land, together with the species of each tree, those to be retained and any tree protection measures to ensure their retention.

Reason: To enable the layout of roads and the siting of buildings to be considered in relation to the existing trees.
(Section 7 & 11, NPPF)

- 5 No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

1. As shown to be necessary by the Phase 1 RSK report of 2010, a Phase 3 detailed remediation scheme with measures to be taken to mitigate risks to potable water and building materials. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.
2. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling),

unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health, building integrity and the environment

- 6 No development shall commence on the construction of the buildings until full engineering details of the access arrangements shown for indicative purposes on the submitted plan shall be submitted to and approved by the Local Planning Authority and no dwelling approved under any subsequent reserved matters application shall be brought into use until such time as the agreed works have been implemented.

Reason: To ensure the provision of appropriate access arrangements and associated off-site highway works in the interests of highway safety. (Policy DM3, CSDM & NPPF)

- 7 Any subsequent reserved matters application shall include the following;
1. Off-site highway improvements to facilitate the movement of pedestrians between the site and Harlington Lower School.
 2. Estate roads designed and constructed to a standard appropriate for adoption as public highway.
 3. Pedestrian and cycle linkages to existing routes
 4. Vehicle parking and garaging in accordance with the councils standards applicable at the time of submission.
 5. Cycle parking and storage in accordance with the councils standards applicable at the time of submission.
 6. A Construction Traffic Management Plan detailing access arrangements for construction vehicles, routing of construction vehicles, on-site parking and loading and unloading areas.
 7. Bin storage and collection points (to accommodate recycling, domestic waste and food waste bins)
 8. Scheme for the widening of the adjacent footpath - Harlington Footpath No. 24
 9. Appropriate access through the site for the vehicles used in the maintenance of the railway line
 10. Materials Storage Areas.
 11. Wheel cleaning arrangements.
 12. A Residential Travel Plan.

Reason: To ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times. (Policy DM3, CSDM & NPPF)

- 8 The development hereby permitted shall not be occupied or brought into use until the details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.

Reason: To protect the visual amenity of the site and its surrounding area and the impact on the safe operation of the railway.
(Section 7, NPPF)

- 9 **No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted and approved by the Local Planning Authority.**

The CEMP shall include details of:

- a) Updated bat survey undertaken of the buildings and trees on site;**
- b) Details of measures for the safeguarding of protected species and their habitats;**
- c) Site Waste Management Plan;**
- d) Construction traffic routes;**
- e) Details of site compounds, offices and areas to be used for parking for construction workers and for deliveries and storage of materials;**
- f) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- g) Details for the monitoring and review of the construction process including traffic management (to include a review process of the CEMP during development).**

All construction activities including protective fencing and warning signs shall be implemented and maintained in accordance with the approved details and timing of the plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period, to protect the amenity of neighbouring properties, in the interests of maximising waste re-use and recycling opportunities, protect habitats, and in order to minimise danger, obstruction and inconvenience to users of the highway and within the site in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009). Details must be approved prior to the commencement of development to mitigate nuisance and potential damage which could occur in connection with the development.

- 10 Any reserved matters application shall include the safeguarded link through the site to the boundary with the railway as indicated on plan number 061204-KOOP-01 Rev B. This route shall be safeguarded in perpetuity through the design of the site to ensure an appropriate link should future access be permitted on to the southbound platform of Harlington Station.

Reason: For the avoidance of doubt and protect future connections of the Station with Harlington Village. (Policy DM3, CSDM & NPPF)

- 11 There shall be no more than 45 residential units on the site.

Reason: To ensure that the site is not overdeveloped.

- 12 No dwelling hereby permitted shall be occupied until a scheme for the provision of waste receptacles has been submitted to and approved 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 (Policy DM3, CSDM & NPPF)

- 13 No development shall commence until a scheme to mitigate noise from the railway (including tannoy noise) has been submitted to and approved in writing by the Local Planning Authority. The scheme thereafter shall be implemented in full and proven to be effective before any residential units are occupied and thereafter maintained in full throughout the life of the development.

Reason: To ensure that all measures are considered in terms of noise and the amenities of future occupiers are protected. (Policy DM3, CSDM & NPPF)

- 14 **No development shall take place until details of the method of disposal of foul and / or surface water drainage (which shall include) 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.**

**Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.
(Section 10, NPPF)**

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Planning Statement Addendum July 2015; Design and Access Statement Addendum July 2015; Transport Statement; Tree Survey; 0654-SK-01A; Archaeological Desk Based Assessment; Statement of Community Involvement; Geotechnical & Geoenvironmental Report; Ecological Scoping

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

INFORMATIVE 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. **Any Reserved Matters Applications should take account of the following requirements from Network Rail:**

Two Metre Boundary

From the plans provided the first building at the northern entrance to the site off Station Road appears very close to the railway boundary. Consideration should be given to ensure that the 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 from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

Fail Safe Use of Crane and Plant

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, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

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 commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only 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.

Security of Mutual Boundary

Security of the railway 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.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto 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. We note from the plans that a 3m high fence is proposed for the site which would help satisfy this requirement.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted 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 a minimum prior notice period for booking of 20 weeks. **Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.**

OPE

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, contact details as below. 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.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail’s Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

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 the commencement of works and the works shall only be carried out in accordance with the approved method statement

Scaffolding

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.

ENCROACHMENT

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 proposal 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 applicant’s land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised 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.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account. We note that the proposals include the addition of a 3m acoustic fence which would help mitigate this problem.

Trees/Shrubs/Landscaping

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. We would wish to be involved in the approval of any 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 to ensure 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 provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "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 Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Party Wall

Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall Act 1996. Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

3. The applicant is advised that in order to comply with 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 off site highway and pedestrian safety 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 if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways within the site 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 Control Group, Development Management Division, 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.
5. 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 developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

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

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process 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.