

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.

Recommendation

That Planning Permission be approved subject to completing a S106 agreement to secure Affordable Housing, contributions towards parking measures, off site highway improvements to facilitate the movement of pedestrians and leisure contributions.

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. Estate roads designed and constructed to a standard appropriate for adoption as public highway.
 2. Pedestrian and cycle linkages to existing routes
 3. Vehicle parking and garaging in accordance with the councils standards applicable at the time of submission.
 4. Cycle parking and storage in accordance with the councils standards applicable at the time of submission.
 5. A Construction Traffic Management Plan detailing access arrangements for construction vehicles, routing of construction vehicles, on-site parking and loading and unloading areas.
 6. Bin storage and collection points (to accommodate recycling, domestic waste and food waste bins)
 7. Scheme for the widening of the adjacent footpath - Harlington Footpath No. 24
 8. Appropriate access through the site for the vehicles used in the maintenance of the railway line
 9. Materials Storage Areas.
 10. Wheel cleaning arrangements.
 11. 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. The link should be at grade with the adjacent platform / railway land to ensure suitable disabled access.

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 Survey; Noise Assessment July 2015; 161204-KOOP-02; 061204-KOOP-01B (indicative planning layout)

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 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 (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat "Zebrina"

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea 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.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional comments as detailed in the Late Sheet from the following:
 - a. Clarification on the recommendation to members
 - b. An additional letter was received from 23 Wren Close which highlighted issues regarding the train station and access.
 - c. Confirmation that the applicant will pay the leisure contribution.]