

## **LATE SHEET**

### **DEVELOPMENT MANAGEMENT COMMITTEE – 11<sup>th</sup> May 2016**

#### ***Item 6 (Pages 17-40) – CB/15/03329/OUT – Land between 30 and 48 Hanscombe End Road, Shillington***

##### **Additional Consultation/Publicity Responses**

Anglian Water – No comments received.

Internal Drainage Board – No objections subject to conditions. (This is covered by condition 7 of the recommendation)

One further letter of objection received raising the following grounds:

- Object to the policy of allowing owners to cram lots of houses on to green field sites.
- 15 houses are too many for the site and would necessarily appear cramped and not fit in with the character of the area.
- The green space on Hanscombe End Road is a positive open space which is a reminder of what the countryside should be. Villages being destroyed for a series of small towns with all the attendant social problems which towns bring.
- There is already enough land with planning permission to build 650,000 new homes, so there is no need to sacrifice more greenfield land.

##### **Additional Comments**

###### Regarding overdevelopment concerns

The application is for outline permission with all matters reserved aside form access. Therefore detailed design would be reserved for a later application and overdevelopment considerations would be looked at then. It is expected that detailed design would be developed in accordance with the adopted design guide which sets out minimum sizes and depths for gardens and minimum parking space standards. Assuming these are complied with then in principle development would not appear cramped. The application as submitted it for 15 dwellings and should be considered in light of this quantum and it is considered that a proposal for 15 units could be accommodated on the site without it appearing overdeveloped or cramped.

##### **Additional/Amended Conditions/Reasons**

###### S106 agreement to include an agreed delivery timetable as follows:

The application be approved subject to the completion of a S106 agreement to include a clause requiring compliance with an agreed timetable for the delivery of housing which positively contributes towards the 5 year housing supply. The timetable is to be agreed upfront and if an acceptable timetable cannot be agreed,

then planning permission should be refused and the decision delegated to the Development Infrastructure Group Manager.

### ***Item 7 (Pages 43 - 53 ) – CB/16/00739/Full – Land to the Rear of Cowlgrove Parade, Steppingley Road, Flitwick***

#### **Additional Consultation/Publicity Responses**

Additional representations received from the following addresses: 32 Badgers Close, 5 Hawes Close, 12 Ennerdale Path, 1 The Willows. These representations have raised the following issues:

- The application contradicts the Governments National Noise Policy and Planning Policy Framework
- No EIA has been conducted
- Car park likely to be a source of artificial lighting, noise and fumes pollution causing a nuisance to nearby residents in Badgers Close and The Willows, no mention of what measures will be taken to prevent these;
- Current warehouse acts as both a thermal barrier and acoustic barrier – reducing noise sources produced by the railway to nearby residents removal of the warehouse will increase the noise levels in receptors premises and potentially lead to higher fuel bills;
- No traffic management plan has been produced and there are concerns regarding traffic generation and congestion along Steppingley Road;
- No landscaping to be provided as part of the development
- Lack of demand for such facility;
- The development does not fit with the government strategy to encourage people to walk and cycle;
- Concern regarding piling, demolition and construction work causing subsidence/ problems for residents in Badgers Close as they already suffer from unlevel land;
- Concerns regarding the additional access onto Steppingley Road – **Please note this application does not provide an additional access on to Steppingley Road.**
- Congestion on Steppingley Road;
- No consideration to the safety of the entrance junction which is already a mess of vehicles heading in different directions and pedestrians risking their lives to cross several lanes of traffic;
- Additional parking would worsen the existing situation and add congestion to an already horrendously busy junction;
- Request a plan for safe management of the junction prior to any permission being granted – this is important as this many children walk to school along these routes and those walking to the Station.

1 Petition signed by 194 residents received requesting that the Council:

- Reject the proposed plan;
- Provide adequate details of an upgraded station entrance on to Steppingley Road that meets Highway Standards due to traffic management and safety issues for the proposed volume of traffic congestion and pedestrian safety;

- Fully consult with local residents and Flitwick Town Council at a public meeting on a complete plan for the development of Flitwick Town Centre before submission to Planning.

### Comments from Network Rail

No objection in principle to the development. Concern was raised regarding Armco barriers, method statements and lighting. Given that the site is already being used for parking and the new parking requirements are adjacent to the existing railway car park it is considered that it would be reasonable for these to be an informative rather than a condition.

### **Additional Comments**

The consultation on the amended plan does not end until 18<sup>th</sup> May 2016 so it is requested that the recommendation be changed to the following:

**The application is recommended for approval with the decision to be delegated to the Development Infrastructure Group Manager subject to no new issues being raised.**

This application is being made by the Council and is on Council owned land, the application is brought before committee because there have been a number of objections raised which cannot be overcome by condition. As stated in the report a number of the objections raise concerns regarding 'a second access' on to Steppingley Road – there is no new access on to Steppingley Road proposed as part of this application. There has already been a previous planning application which granted planning permission for parking on this site in 2015. This application seeks to increase that parking provision by 68 spaces and introduce a cycle/ pedestrian link through the site to the Station.

### **Additional/Amended Conditions/Reasons**

#### Condition 3

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number **4008 Rev C**.

#### Informatives

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicant's attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and

make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments ([www.cae.org.uk](http://www.cae.org.uk))  
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

### 3. **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.

### **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.

### **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

### **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.

### **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. We note from the plans provided that no additional lighting is proposed in connection with this application, however, should these plans change we require that the above is taken into account.

### **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. In particular, access to the adjacent railway station and car park should remain clear and unobstructed at all times both during and after construction work at the site.

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

The method statement will need to be agreed with:

**Asset Protection Project Manager  
Network Rail (London North Eastern)  
Floor 2A  
George Stephenson House  
Toft Green  
York  
Y01 6JT**

**Email: [assetprotectionlneem@networkrail.co.uk](mailto:assetprotectionlneem@networkrail.co.uk)**

## ***Item 8 (Pages 55 - 69 ) – CB/16/01036/Full – 80 Church Road, Aspley Heath***

### **Additional Consultation/Publicity Responses**

None

### **Additional Comments**

A revised plan, drawing no. 3PL 01 Rev A, has been received, which shows a slight modification to the proposed turning area and a tracking diagram showing that a service vehicle can turn within the site. This has been checked and confirmed as being acceptable by the Highways Officer. As such, it is recommended that the suggested Refusal Reason 4 be omitted.

A letter from the applicant has been circulated to some members. A copy is attached. The majority of the points are addressed within the Officer's report, however, for clarification, a brief response is made below:

#### Green Belt

Officers consider that the proposal does not meet the definition of infill development and would represent a harmful form of backland development. 67a, 69a and 80A were all granted planning permission prior to the introduction of current Green Belt policies. None of the examples resulted in the creation of the triple layer of development that would result from this proposal. No weight is therefore given to the examples cited within the letter.

#### Access to the site

The submission has failed to demonstrate that the proposed access to the new dwelling would not harm protected trees on the site which are to be retained. The proposed access does require the removal of protected trees within the Conservation Area.

#### Neighbour intrusion

Agreed

#### Visual Impact

The proposal will not be constructed on the same footprint as the existing outbuilding, it would be wider and would have a bulkier roof form. The Conservation Officer has objected on the grounds of the width, bulk and mass of the proposal and considers that it would be harmful to the Conservation Area.

The proposed rear visual is considered to be misleading as it still shows the trees which are to be removed in situ.

#### Tree Preservation

The proposal necessitates the removal of protected trees with insufficient justification. Concerns remain about the practicality of the access, it is considered that the establishment of a vehicular access will be harmful to the trees that are to be removed.

#### **Additional/Amended Conditions/Reasons**

None recommended. Recommended that Refusal Reason 4 be omitted for the reasons set out above.

***Item 9 (Page 71-144) – CB/16/04918/OUT – Erection of up to 61,336m of B1, B2 and/or B8 employment development floorspace with associated infrastructure and ancillary works. All matters reserved except means of access from Thorn Road.***

## **Additional Consultation/Publicity Responses**

### 1. 451 Bideford Green Linslade 03/05/2016

Provided detailed comments on the agent's comments on retention of the rifle range. The key points are:

*The Houghton Regis North Framework Plan* makes no mention of the rifle range, no firm statement can be made either way; no justification for the opinion that the plan precluded retention of the rifle range.

The agent does not define what they consider to be 'inappropriate' about the rifle range, statement concerning the health and safety of the range was provided for both the Bidwell West planning application and the earlier Thorn Turn submission it would appear that at this time the Council envisaged the continued operation of the range, otherwise no safety consideration would have been needed.

The Agent does not refute the argument that the Central Bedfordshire Leisure Strategy *PPS 1. Protection of Existing Facilities* and paragraph NPPF paragraph 74 apply to the rifle range: the Council have an obligation to provide an alternative facility of equal or better standard. A condition should be added to any planning consent to this effect.

### 2. CBC Highways Development Management 05/05/2015

The proposal does not allow for any improvement to the stretch of Thorn Road fronting the site. The access road serving the site and the new Waste and Highway Depot is relatively straight and measures 7.3m with planting and a footway/cycleway following the line of the existing bridleway. The priority junction is designed with a considerable length of 2 lane approach with 16m and 20m radius. While this appears to be acceptable the nature of Thorn Road has not yet been defined in relation to the new A5-M1 link. I would not be opposed to these dimensions being revisited. Consideration should be given to increasing the width of Thorn Road to a standard 7.3m carriageway and a footway/ cycleway on one or both sides. An existing bridleway crosses Thorn Road at the tangent point of the junction and has to cross 10m of carriageway; the maximum provision for an equestrian crossing. There is no a Road Safety Audit, however so long as there are no deviations from the standards in the Design Manual for Roads and Bridges there will not be a fundamental problem and this can be addressed in the design process. Consideration should be given to moving the crossing some 60m north/east.

The transport assessment which demonstrates that the proposed junction will operate satisfactorily within capacity; the wider implications are acceptable, bus stops or lay-bys are not proposed in the corridor.

The imposition of conditions and informatives (detailed below) is recommended to address the points raised.

### 3. Bank End Cottage, Chalk Hill, Dunstable 09/05/2016



The proposal is significantly bigger than that originally considered  
No justification for increase in size  
The benefits must clearly outweigh the damaging affects to create very special circumstances within the NPPF  
The site is green field land within the green belt adjacent to Chalk Hill Hamlet: infill only development allowed.  
Infilling should not compromise the openness of the Green Belt.  
The policy is to look for suitable brownfield sites. Brewers Hill Rd has vacant employment land.  
No very exceptional circumstances outlined  
Regeneration of Brewers Hill Rd is an unacceptable justification.  
Current highways site in Brewers Hill Rd will be available for this use.  
Glut of industrial units, offices and development land (brownfield) available  
Proposed buildings are completely out of scale and character.  
Not assessed as a high sensitivity area due to Atkins misinterpretation of the site.  
Health and safety issues for pedestrians.  
Unacceptable visual loss on the approach to Dunstable  
No risk assessment regarding road safety.  
Road infrastructure not fit for purpose.  
No risk assessment carried out regarding health and safety  
High sensitivity receptor area, concern over the noise levels and type of business proposed.  
Loss of enjoyment and quality of life of home and surrounding area.  
Concern over working hours.  
Residential development was allowed to go ahead on the industrial area at French's Avenue,  
Bird strike area. Directly on the path to the wetland lagoons.  
Protected species require the same level of protection whether on a designated wetland or not.  
Public amenity from the Chiltern Way footpath completely ruined.  
CBC have not considered the residents of Chalk Hill Hamlet regarding noise pollution  
Neighbourhood noise includes industrial and commercial, recreation, entertainment and noise from domestic settings.  
Fundamental aim of green belt is to prevent urban sprawl - This has been totally ignored.  
Residents of Chalk Hill Hamlet not consulted on removal of their homes from the green belt

The submission is supported by a number of documents and web links to support the points made.

#### 4. Bedford Small-bore Shooting Association 09/05/2016

This address is made to the Committee, on behalf of Bedfordshire Small-bore Shooting Association, who are affiliated to the National Small-bore Rifle Association, the governing body for the sport in the United Kingdom and who have for 49 years been loyal tenants of the Council, on land at Thorn Turn.

This Rifle Range is operated for the whole of the County of Bedfordshire and has been developed over the years, through the hard work of members, providing a first class facility for rifle shooting up to international level.

It is used by members of the England and GB teams as a training venue, which has helped to promote shooting to Olympic Standards. It also offers shooting on a weekly basis to a number of Disabled participants and is also home to a number of local clubs and as such, it is in constant use during weekdays and at weekends.

The membership of local Clubs which use the range is open to all sectors of the community, young and old alike, without discrimination.

Sport England has identified the Range as being of strategic importance to the sport and as such its loss would have a major effect on the participants of the sport both locally and internationally.

It is of course recognised by the Association that the Council In these time of austerity have a need to develop the land for employment purposes at Thorn Turn, in order to maximise the value of the assets they own, however, in doing so in isolation and without a balanced consideration to the importance of the Range, it is both our view and that of Sport England, that as this application decision has the potential for the range to be closed down, the council should, prior to proceeding with the application be fully complying with provisions of Paragraph 74 of the National Planning Frame work and their own Recreation and Open Space Strategy, Chapter two, paragraph 5.13 which is currently not the case.

In this respect whilst the Association recognise the work being carried out by the Councils assets team, in trying to find other Council owned land where the range could be relocated to, this exercise has only just started, therefore, this current application is somewhat premature and should not proceed until an area of land has been found for the re-location of the range and Full planning permission for a new range has been granted. The Association are actively engaging in the search for an alternative location for the range, but as it took a good number of years to set up the range site at Thorn Turn even after that area of land had been found the task of finding an alternative location to move to it is a mammoth one.

Therefore, we would urge the committee to defer their decision to grant this outline extended planning permission application until such time as a new location for the range, with planning permission has been completed.

If a new location is found then the association would be happy to withdraw its objection to the application.

### **Additional/Amended Conditions**

17. Development shall not begin until details of the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road, in accordance with the NPPF.

18..Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway, in accordance with the NPPF.

22. Before any building is occupied a 3.0m wide footway/cycleway shall be constructed on the south side of Thorn Road for the entire length of the site frontage in accordance with details of the approved drawing/or scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.

Reason: In the interests of road safety and pedestrian movement, in accordance with the NPPF.

23. Before any property is occupied bus stop provision shall be delivered on each side of Thorn Road in the location of the application site in accordance with details of the approved drawing/or scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.

Reason: In the interests of road safety and improvements to sustainable modes of transport, in accordance with the NPPF.

24. No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period, in accordance with the NPPF.

25. Development shall not begin until the detailed plans of the proposed highway lighting, using light emitting diodes (LED) within the development has been approved by the Local Planning Authority and no building shall be occupied until that lighting has been installed in accordance with the approved details.

Reason: To ensure that the proposed highways are adequately lit, in accordance with the NPPF.

### **Additional/Amended Informatives**

4. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN.

5. The applicant is advised that if it is the intention to request the Central Bedfordshire County Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Planning and Control Group, Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN. 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.

6. The applicant is advised that in order to comply with the Conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Planning and Control Group, P.O.Box 1395, Bedford, MK42 5AN,

8. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in central Bedfordshire (Design Supplement 7 – Movement, Street and Places" and the Department of the Environment/Department of Transport's "Manual for Street", or any a amendment thereto.

### ***Item 10 (Pages 147 - 157) – CB/16/0578/Full – Russell Farm, New Road, Maulden***

#### **Additional Consultation/Publicity Responses**

None

#### **Additional Comments**

Section 2: 'Design and *Affect* on the Character and Appearance of the area' be changed to 'Design and *Effect* on the Character and Appearance of the area'.

#### **Additional/Amended Conditions/Reasons**

Additional condition RE02 be attached:

*'The buildings shall be used for B1 purposes and no other purposes (including other purpose falling within Class B of the Schedule to the Town and Country Planning (Use Class) Order 2006) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.*

*Reason: To exclude the provisions of the said use Classes Order and thereby ensure that the Local Planning Authority retains full control of the future use of the buildings'.*

Additional Informative: 'STD' be attached regarding the fact that the permission does not include any other requirement such as the need for Building regulation consent.