

APP 03

Application Number: 12/01154/DISCON

Other

Details submitted pursuant to discharge of conditions 3 (archaeological investigation), 4 (ground assessment), 12 (site waste management plan), 13 (green roof construction), 15 (finished floor levels), 19 (reptile mitigation plan), 20 (reptile mitigation strategy) and 21 (construction method statement) attached to planning permission 08/01721/FUL allowed on appeal ref APP/Y0435/A/09/2104644

AT Land West of, 1 London End Lane, Bow Brickhill

FOR Mr And Mrs Edward Odufuwa

Target: 24th August 2012

Ward: Danesborough

Parish: Bow Brickhill Parish Council

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1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.1 The Site

The application site is located in the open countryside on the southern edge of the village of Bow Brickhill. The site is located on London End Lane which is accessed from the steeply graded Church Road. The location plan showing the site and its relationship to surrounding properties has been attached to this report.

1.2 The Proposal

Details submitted pursuant to discharge of conditions 3 (archaeological investigation), 4 (ground assessment), 12 (site waste management plan), 13 (green roof construction), 15 (finished floor levels), 19 (reptile mitigation plan), 20 (reptile mitigation strategy) and 21 (construction method statement) attached to planning permission 08/01721/FUL allowed on appeal ref APP/Y0435/A/09/2104644.

1.3 Previous Committee and Update

The details were previously assessed by the Development Control Committee on 8th November 2012. The Committee deferred the items (12/01154/DISCON and 12/01651/DISCON) to allow for further discussions regarding conditions 7

(surface water disposal from vehicular access), 8 (highway works at junction of Church Road and London End Lane) and 21 (construction method statement). The Committee asked that a letter of comfort be provided to the applicant to confirm that the Council considers the details submitted for the other conditions to be acceptable. The letter of comfort was issued on 21st November 2012. At this time the applicant asked if construction of the driveway sub-base would constitute development and the implementation of the planning permission (please see paragraph below regarding implementation). On 28th November the meeting was held between the applicant, representatives from the local residents, the Parish Council, the Ward Member and Officers. Following this meeting additional information has been submitted for Conditions 7, 8 and 21.

1.4 Implementation

The planning permission expired on 25th November 2012; however, the applicant has carried out works to the access which would be sufficient in scale and location to implement the planning permission. The Planning Permission is subject to a number of conditions that in many instances require approval of scheme details for works to be carried out before development commences; these are known as conditions precedent. A start of what would be an otherwise lawful development is unlawful if these planning conditions have not been discharged before commencement. However, there have been a number of cases that seek to draw distinctions about the lawfulness of commencement works in these situations the most famous of which is called Whitley which has given rise to certain judicial exceptions.

1.5 In Whitley, an applicant submitted details to satisfy conditions that would otherwise be acceptable but the LPA was not able to approve them within the three year period. However, the principle established in the case is that provided that the works were carried out in accordance with the submitted details and terms of the conditions which are then subsequently approved by the LPA, then the conditions can be considered to have been complied with and the commencement of works can be considered lawful.

1.6 The development is currently in a position similar to that in Whitley and therefore during the interim period before the conditions are discharged, the commencement of works can be considered lawful and the 2009 permission remains extant. As long as the details submitted for the conditions are found to be acceptable then the planning permission can be considered to have been lawfully implemented.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy Framework
Paragraph 14: Presumption in favour of sustainable development
Section 6: Delivering a wide choice of high quality homes
Section 7: Requiring good design

Section 11: Conserving and enhancing the natural environment

2.2 Local Policy

Core Strategy (emerging policy)

CS1: Milton Keynes Development Strategy

CS9: Strategy for the Rural Area

CS10: Housing

CS12: Developing Successful Neighbourhoods

CS13: Ensuring High Quality, Well Designed Places

CS19: Healthier and Safer Communities

CS20: The Historic and Natural Environment

Adopted Milton Keynes Local Plan 2001-2011

S1: General Principles

S10: Open Countryside

S11: Areas of Attractive Landscape

D1: Impact of Development Proposals on Locality

D2A: Urban Design Aspects of New Development

D2: Design of Buildings

D4: Sustainable Construction

D5: Renewable Energy

NE2: Protected Species

T10: Traffic

T15: Parking Provision

Supplementary Planning Guidance

Milton Keynes Adopted Parking Standards (2005) and Addendum (2009)

3.0 MAIN ISSUES

(The issues which have the greatest bearing on the decision)

- 3.1 Planning permission has already been granted for the development. The period in which a legal challenge to the decision could be made has expired. The current applications are for the details required by conditions on the planning approval and therefore the submitted details are only considered in terms of whether they meet the requirements of the condition. The principle of the development cannot be revisited at this stage and also the requirements of the conditions cannot be expanded upon. If the submitted information meets the requirement of the condition then approval of the details must occur.
- 3.2 The Committee deferred the case for further discussions regarding condition 21 (as well as conditions 7 and 8 being considered under separate reference 12/01651/DISCON) and therefore the main body of this report discusses this condition; all other conditions are as per the previous report to Committee and the details have been provided at section A2 of the Appendices of this report.
- 3.3 The amended Construction Method Statement for condition 21 would mitigate potential adverse impacts of the development during the construction phase and would not conflict with the areas protected for ecological reasons and is

therefore considered acceptable.

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 It is recommended that the details submitted pursuant to the discharge of Conditions 3, 4, 12, 13, 15, 19, 20 and 21 attached to planning permission 08/01721/FUL are approved.

5.0 CONSIDERATIONS

(An explanation of the main issues that have lead to the officer Recommendation)

5.1 Condition 21 (construction method statement)

No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority; thereafter construction works, including vehicle parking, deliveries and storage, shall not take place other than in accordance with the approved method statement.

The reason given by the Inspector for this condition is to ensure that construction takes place in accordance with the sustainability principles underlying the proposal and to limit any adverse effects of development during the construction phase and to complement Conditions 19 and 20.

- 5.2 An amended Construction Management Plan has been submitted and includes details on responsibilities and contacts, traffic management, parking on site, loading and unloading of materials, storage of plant and material on site, site security and working houses, pollution control (including mud on roads), waste management systems and demolition. The Contractors Construction Phase Safety, Health, Environmental and Quality Management Plan will be an integral part of the project's implementation strategy for controlling issues that have the potential for impacting on the wider community and the submitted Construction Management Plan will be incorporated into the SHEQMP.
- 5.3 The Construction Management Plan is accompanied by site set-up plan detailing the location of hardstanding, car parking, fencing, and site welfare, store and office for the construction phase. During construction the development site will need to accommodate certain temporary requirements such as site office, areas for materials storage and parking. The submitted details should therefore demonstrate how the location of the proposed construction facilities does not conflict with the other requirements such as the areas separated from the active construction zone by the reptile and tree protection fencing. There is limited available space on site when taking into account the construction area and the ecological constraints; the proposed site set-up plan is considered acceptable when taking these constraints into account.

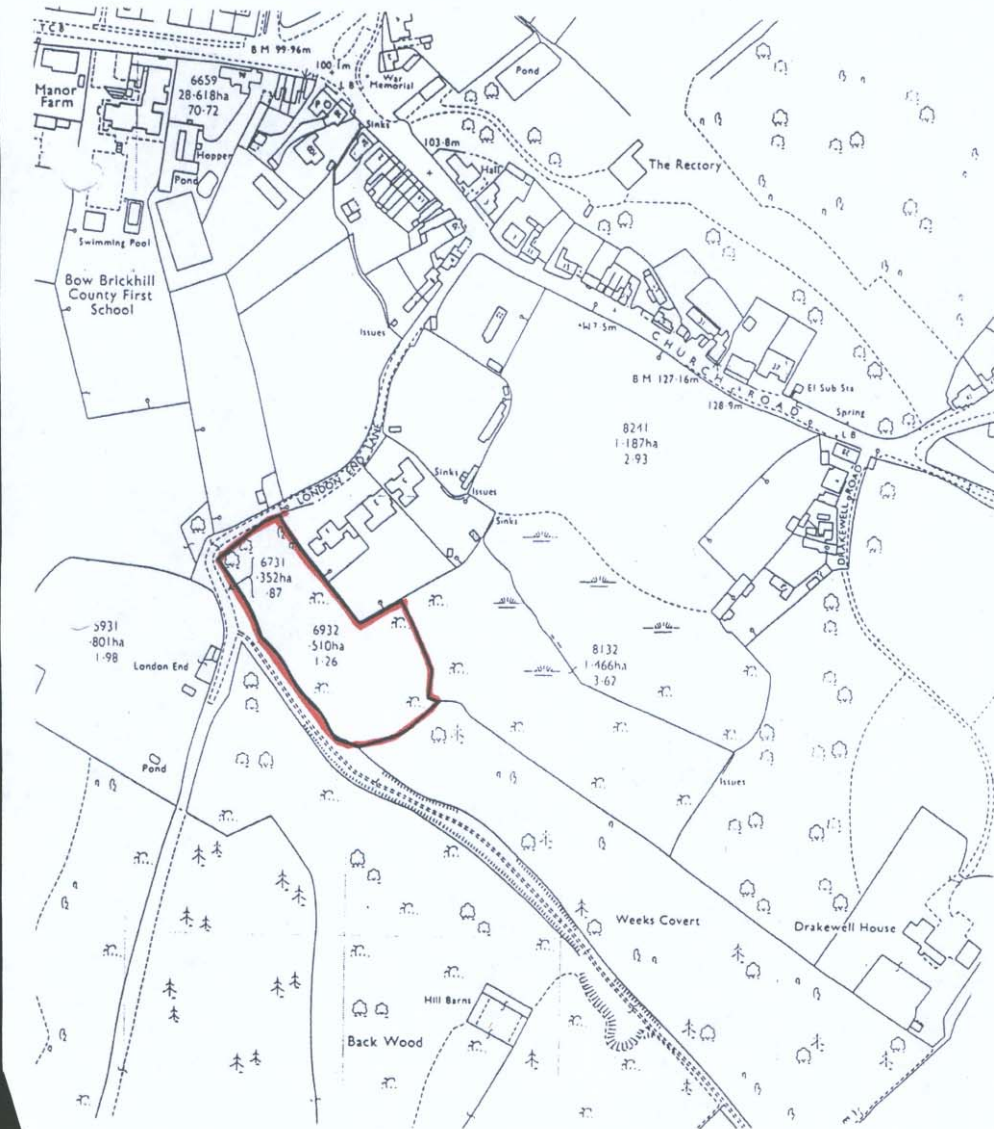
- 5.4 The hours of working will be Monday to Friday 8am to 6pm, Saturday 8am to 1pm and no working Sunday or Bank Holidays. Delivery times for all large vehicles over 7.2m in length will be restricted to between 10:00 to 12:00 and 13:30 to 16:30 Monday to Friday to avoid pre-school nursery and play group drop off/pick up times. Outside school term time these delivery hours will be 9:30 to 4:30 Monday to Friday to avoid peak hours. Large vehicles arriving outside of the hours agreed for the scheduled delivery times will be directed to an agreed holding area. Details of the holding areas have been submitted and include lay bys on the A5 and on Brickhill Street. The Highways Engineer has no objections to the proposed holding areas. The proposed hours of working and hours for deliveries, as well as the other details provided to mitigate noise, are considered acceptable to mitigate noise and disturbance during the construction phase.
- 5.5 The applicant was asked to provide details of the largest delivery vehicles which will require access to the site with associated tracking diagram showing access from Church Road. The tracking diagrams previously provided were assessed by the Highways Engineer and were considered acceptable. The amended Construction Management Plan includes revised vehicle tracking diagrams that show cars parked on Church Road. The new vehicle tracking diagrams are also considered to be acceptable.
- 5.6 Concerns have been raised that the Construction Method Statement does not demonstrate safe construction methods. It is not the requirement of this condition to require the safe construction of the approved dwelling as this is covered by other legislation and would not be a material planning consideration. When assessing whether or not the submitted information meets the requirements of the condition consideration should be given to the Inspector's reasons for imposing the condition. Also paragraph 206 of the NPPF states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.7 If detailed information regarding safe construction methods was required for condition 21 then this would need to have been specifically detailed within the condition; however, it is unlikely that such a condition would have met the requirements of paragraph 206 of the NPPF. It should be remembered that the use of the public highway cannot be controlled via the planning system and that control during the construction period beyond that already included within the submitted information would be excessive and would go beyond the requirements of the appeal decision and the NPPF.
- 5.8 The amended Construction Method Statement details show how the site will be set up during the construction phase and the areas to be used would not conflict with the areas protected for ecological reasons. Therefore, the submitted information is considered acceptable with regards to complementing conditions 19 and 20. The submitted details also show how the developer will mitigate the potential adverse effects of the development; i.e. noise and disturbance during the construction phase. The submitted details are considered acceptable to limit any adverse effects of the

development during the construction phase as far as these are controllable by the planning system. The submitted details of the waste management system and pollution control measures are also considered acceptable. Therefore, the submitted information is considered acceptable with regards to condition 21.

LAND REGISTRY

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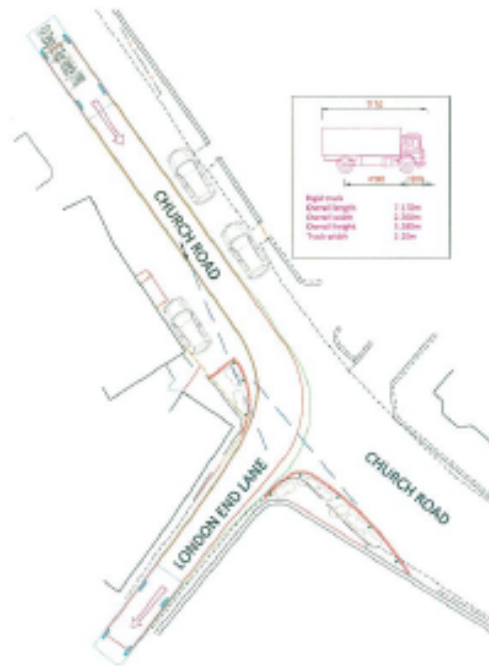
SURVEY RENCE	SP9034	Scale 1/2500
JCKINGHAMSHIRE DISTRICT MILTON KEYNES		© Crown Copyright 1992



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APPENDIX 3

VEHICLE TRACKING INTO LONDON END LANE – 7.17m RIGID VEHICLE
WITH CARS PARKED IN CHURCH ROAD



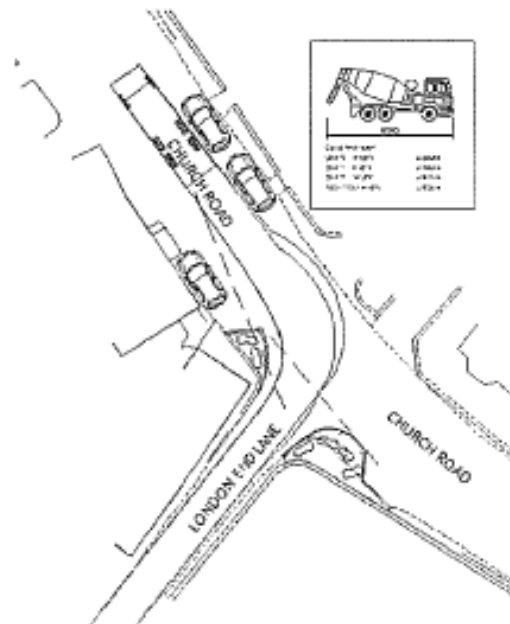
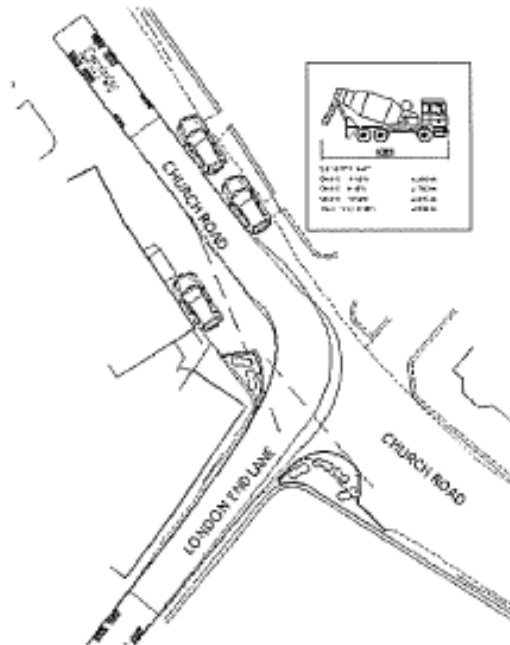
VEHICLE TRACKING TO SITE
7.17m LONG RIGID VEHICLE



VEHICLE TRACKING AWAY FROM SITE 7.17m RIGID
CHURCH LANE / LONDON END ROAD JUNCTION

APPENDIX 4

VEHICLE TRACKING IN AND OUT OF CHURCH ROAD – 8.36M RIGID VEHICLE



APPENDIX 6 PROPOSED VEHICLE HOLDING AREA



M1 – site access – J13

M1 Northbound holding area – Toddington Service area – J11 – J12

M1 Southbound holding area – Newport Pagnell Service area J15 – J14

Appendix to 12/01154/DISCON

A1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

A1.1 08/01721/FUL

Erection of low impact dwelling with parking and ancillary officer; refused 09.12.2008. Granted at appeal on 25th November 2009.

12/01651/DISCON

Details submitted pursuant to discharge of conditions 2 (materials), 7 (surface water disposal from vehicular access), 8 (highway works at junction of Church Road and London End Lane), 10 (surfacing of vehicle and pedestrian areas), 11 (details of earth mounding and contouring), 16 (landscaping scheme), 17 (works to trees) and 18 (boundary enclosure) attached to planning permission 08/01721/FUL allowed by appeal ref APP/Y0435/A/09/2104644; pending decision.

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 Condition 3 (archaeological investigation)

The development hereby permitted shall not commence before the developer has secured the implementation of a programme of archaeological investigation in accordance with a scheme to be submitted to and approved in advance and in writing by the local planning authority.

An updated WSI for the Archaeological Watching Brief has been submitted as the Consultancy carrying out the Watching Brief has changed. As with the previously submitted WSI the updated WSI has been assessed by the Council's Senior Archaeological Officer as acceptable. The Council's archaeological officer is to be notified of the start of site works to allow him to visit the site and check on the quality and progress of the work. Following the completion of the fieldwork a report will be compiled and distributed to the archaeological officer for approval and a copy will be made available to the MKC Historical Environment Record. The Council's Senior Archaeological Officer has assessed the written scheme of investigation as acceptable and has no objection to works commencing.

A2.2 Condition 4 (ground assessment)

The development hereby permitted shall not commence before the developer has undertaken an assessment of ground conditions to determine the presence of any ground, groundwater or gas contamination of the site in accordance with British Standards BS 10175:2001 Investigation of Potentially Contaminated Sites – Code of

Practice; the results of the assessment and details of any remedial action deemed necessary shall be submitted to and approved in writing by the local planning authority; thereafter all approved remedial works shall be carried out in accordance with the details approved and shall, on completion and prior to first occupation of the dwelling, be validated by the submission of a verification report to the local planning authority.

A Site Investigation report has been submitted which concludes that generally the site does not offer any source of contamination. The only exception is a localised area near the London End Lane boundary where the surface soils were found to contain asbestos cement fragments. Some localised remediation is therefore warranted and a remediation strategy of hand picking the asbestos cement fragments is proposed. The report recommends that the existing monitoring wells should be retained and additional monitoring of groundwater levels conducted in the period prior to the construction phase; to assist the design of groundwater control measures. The report has been assessed by the Environment Team Leader and is considered satisfactory on the basis that the proposed remedial works for hand picking asbestos fragments out of the soil is carried out. Condition 4 requires that remedial works are carried out and therefore the submitted report is considered acceptable with regards to Condition 4.

A2.3 Condition 12 (site waste management plan)

The development hereby permitted shall not commence before details of a site waste management plan for the duration of construction works have been submitted to and approved in writing by the local planning authority; thereafter development shall not proceed other than in accordance with the details approved.

A Site Waste Management Plan has been prepared to be initiated on site with the proposed contractor. The management plan includes a list of waste minimisation decisions taken and a Site Waste Management Plan to be completed during construction. The waste minimisation decisions listed are considered appropriate for the scale of the development and therefore it is recommended that the details are approved for Condition 12.

A2.4 Condition 13 (green roof construction)

The development hereby permitted shall not commence before details of the construction and finish of the green roof to the dwelling have been submitted to and approved in writing by the local planning authority; thereafter the dwelling shall not be occupied before the roof has been installed in accordance with the details approved.

Details have been submitted for a Bauder Intensive Green Roof with Wildgrass planting including a cross section through the different structural layers of the green roof. The green roof will cover the majority of the main building and the surrounding ground level is to be contoured up to the proposed roof level providing a continuous landscaped appearance over the

dwelling. The details of the green roof are considered acceptable with regards to Condition 13.

A2.5 Condition 15 (finished floor levels)

The development hereby permitted shall not commence before details of the finished floor levels of the dwelling and finished site levels in relation to a fixed datum and adjacent land have been submitted to and approved in writing by the local planning authority; thereafter the development shall not proceed other than in accordance with the details approved.

Site sections have been provided showing the finished floor levels of the proposed building in relation to the existing and proposed ground level on the site. The details submitted are considered acceptable with regards to Condition 15.

A2.6 Conditions 19 (reptile mitigation plan) and 20 (reptile mitigation strategy)

The development hereby permitted shall not commence, nor shall any vegetation be removed from the site or excavation in connection with the development be carried out, before a reptile management plan prepared by a reptile specialist has been submitted to and approved in writing by the local planning authority; thereafter the development shall not proceed other than in accordance with the approved plan; the plan shall include:

- i) measures to enhance reptile carrying capacity with suitable vegetation, refugia and the maintenance of habitat links into and out of the site,
- ii) measures to prevent casual disturbance of reptiles and their habitats,
- iii) details of external lighting,
- iv) arrangements for post-development monitoring for a period of 3 years following first occupation of the dwelling, with a concluding report on the effectiveness measures included in the plan to be submitted to the local planning authority;

on completion of the development safeguarded areas for reptiles identified in the plan shall remain undisturbed for as long as the development persists.

&

The development hereby permitted shall not commence before details of a reptile mitigation strategy has been submitted to and approved in writing by the local planning authority; thereafter the development shall not proceed other than in accordance with the strategy; the purpose of the strategy will be to maintain a habitat within the site suitable for reptiles and to ensure that any reptiles present on the site are not killed or injured during the construction period.

A revised Reptile Mitigation Strategy and Plan has been submitted following a request from the Council's Countryside Officer for the originally submitted report to be amended. The recommendations of the report include a method

statement of reasonable avoidance measures to compensate and mitigate for any potential loss to reptiles and to prevent any accidental harm. These measures include: exclusion of areas from the development zone using a suitable reptile/Great Crested Newt fence; compensation in the form of a minimum of ten permanent, reptile refuges to be installed; reasonable avoidance; supervision of a suitably qualified ecologist; lighting facing the reptiles main population zone to be on PIR sensors; post development monitoring; and additional habitat enhancement. The amended report addresses the Countryside Officer's concerns and is considered acceptable. The conditions require the development to proceed in accordance with the approved strategy.

A2.7 Great Crested Newts

Concerns have been raised regarding Great Crested Newts (GCN). Conditions 19 and 20 relate to reptiles and make no reference to GCN and it would not be possible to expand the requirements of these conditions to include GCN (newts are Amphibia and not Reptilia). GCN were considered as part of the consideration of application 08/01721/FUL. An ecology report accompanied application 08/01721/FUL and was considered by both the Council's Ecologist and Natural England. The proximity to the GCN breeding pond was known at that time and the submitted ecology report refers to GCN and the potential for GCN foraging habitat. Natural England noted that the site offers no opportunity for GCN at present. The ecology report submitted for 08/01721/FUL states that whilst the site in its current form cannot support a breeding population of GCN the presence of occasional foraging newts cannot be discounted; the report also states that the reptile exclusion zone could also serve as a cordon sanitaire for potential foraging GCN. Whilst not covered by the conditions GCN are a protected species and are covered by separate legislation; the applicant has chosen to stop all work on site until March when Great Crested Newts, if present, will come out of hibernation and then a professional assessment will be done.

A3.0 CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)

Comments

Officer Response

A3.1 Highways Development Control

I am happy for the tracking to be discharged and have no objection to the proposed holding areas.

Please see paragraphs 5.1 to 5.8 above.

A3.2 Countryside Officer

The amended information [amended Reptile Mitigation Strategy and Plan] is acceptable for conditions 19 (reptile mitigation plan) and 20 (reptile mitigation strategy).

Please see paragraph A2.6 above.

A3.3 Archaeology

I'm happy to approve the details (WSI) submitted in relation to the archaeological condition on the consent such that work may commence. However, I will not be in a position to recommend discharge of the condition until the watching brief is complete and I have seen and approved the report.

Please see paragraph A2.1 above.

A3.4 Environment Team

The submitted details are acceptable with regards to condition 4 (ground assessment). The proposal (hand picking of asbestos fragments out of soil) is satisfactory and if carried out will enable discharge of the relevant condition.

Please see paragraph A2.2 above.

A3.5 Cllr David Hopkins

Requests that the details go to Development Control Committee for determination. Noted.

A3.6 Bow Brickhill Parish Council

The Parish Council have concerns of the inadequate traffic management plan that is in place and the impact this will therefore have on the community. Comments have been received from many residents noting their concerns over this application and the Parish Council is in agreement with their concerns. Please see paragraphs 5.1 to 5.8 above.

A3.7 Public Representations

Objections have been received from 17 local residents of London End Lane, Church Road, Drakewell Road and Woburn Sands Road and also from the Head Teacher of Bow Brickhill Primary School. Noted.

A3.8 Condition 3 (archaeological investigation)

The archaeological plan is comprehensive but for an archaeologist to oversee all of the excavations he would need to be on site for several months full time. Are the archaeologist's going to monitor the placing of the soil too in case they missed some important artefacts. Please see paragraph A2.1 above.

A3.9 Condition 4 (ground assessment)

No assessment report has been submitted as far as I can see. Please see paragraph A2.2 above.

A3.10 Condition 12 (site waste management plan)

Surely it is greener to recycle it on site rather than green waste going to the dump.

The proposal is for vegetation waste recovered during construction to be disposed of to appropriate landfill /recycle area for 'green' waste. Given the restrictions on site during the construction phase, which includes protected areas for trees and ecology, the proposal is considered acceptable.

A3.11 Condition 13 (green roof construction)

I don't think a picture is good enough to allow planning of this big project. Is it seed, turf and from where?

Please see paragraph A2.4 above.

A3.12 Condition 19 (reptile mitigation plan) and 20 (reptile mitigation strategy)

Is the existing hedge to be pulled down? Is someone going to be onsite all of the time to handle movement of the reptiles? The fencing should be erected and then wait until the correct time of year to move reptiles outside the fence.

Please see paragraph A2.6 above.

A3.13 The submitted details should be widened to include amphibians including Great Crested Newts. The reptile fence prevents Great Crested Newts getting to their breeding ponds. According to the 1981 Wildlife and Countryside Act disturbing or destroying the habitat of great crested newts is a criminal offence. Council officers have chosen to ignore the need to ensure full protection of a seriously endangered species arguing that they are amphibians and not reptiles.

Please see paragraph A2.7 above.

A3.14 A lot more trees have grown back since 2005 and the bats have returned. Works to trees are covered by Condition 17 and no conditions were imposed with regards to bats.

A3.15 Condition 21 (construction method statement)

London End Lane is a single-track lane it is narrow (2.9 metres at its narrowest point) with no footpath and no passing places and overhead cables. The lane is used to access residential properties and paddocks and by walkers, cyclists and horse riders. Large vehicles have been unable to gain access in the past. Construction traffic has already caused disruption for other users of London End Lane in terms of deliveries and access. The junction with Church Road is near to the Church Hall which hosts a playgroup. Residents are concerned with the maximum size of the vehicles proposed, that construction vehicles will queue on London End Lane and Church Road, that construction vehicles will be held on Church Road or London End Lane if they cannot access the site, that construction vehicles will reverse into private driveways or be forced to back the entire length of London End Lane. Also there are concerns that the junction of Church Road with Station Road will be used for off-loading large plant or materials. Concerned that increased traffic and heavy traffic will be a danger to users of the Church Road and London End Lane. Lorries should give way to residents.

Please see paragraphs 5.1 to 5.8 above.

A3.16 A full 3D model taking into account the camber of the road should be created to demonstrate that the vehicles will clear the houses and take into account on street parking on Church Road. The developer should give a demonstration to show how the proposed vehicles will turn onto the lane. Please see paragraphs 5.1 to 5.8 above. It should be remembered that the use of the public highway cannot be controlled via the planning system.

The tracking diagram for the concrete lorry incorrectly shows the position of parked cars; this means that either cars would be damaged or the lorries will not be able to turn into London End Lane.

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| A3.17 | Some of the buildings on London End Lane and Church Road have no foundations; residents are concerned that the weight and size of delivery vehicles will damage properties and also damage to the road and drains. A full quantitative risk assessment should be carried out by house and the developer should meet the cost together with required works. We need clarification regarding the contractor's liability for insurance for damage to drains, properties, subsidence, etc. The council will be held responsible for damage by trucks. Construction traffic has already come close to hitting the front of 2 London End Lane; this proves that the vehicles are too large. Reversing down London End Lane, even with a banks man, will be exceptionally difficult. | Any damage caused to private property by vehicles using the public highway is a private legal matter to the parties involved. The requested risk assessment would go beyond the requirements of Condition 21. |
| A3.18 | Mud on the road will be a problem. The track which is normally clear from mud and water is now muddy where work has started on the site. | The submitted details include measures to deal with mud of roads. |
| A3.19 | There are concerns that residents will be unable to park on the road near their properties and that insufficient space is provided for parking on site. | The details include an area for parking on site during the construction phase. Beyond this control of on street car parking would go beyond the requirements of the condition. |
| A3.20 | The proposed holding areas are too far away for loading and off-loading of heavy plant. | The proposed holding areas are for large vehicles that would otherwise arrive outside of their scheduled delivery times. The proposed holding areas are considered acceptable. |

- A3.21 Hours of working of 8am to 6pm Monday to Friday and Saturdays is excessive. Concerns about noise and disturbance from generators. Please see paragraph 5.4 above. The proposed hours of working are considered to be reasonable.
- A3.22 The Church Hall is used extensively outside school term so there should be no lifting of the restriction on delivery hours at any time. The delivery hours proposed are considered acceptable; please see paragraph 5.4 above.
- A3.23 There are not sufficient details on where storage/unloading will take place, where will contractors' vehicles park, where is the holding area, mechanical sweeping of the highway should specifically state London End Lane and Church Road and not just the vicinity of the site, where water for concrete lorry cleaning will come from, volumes of key materials should be stipulated and a risk assessment for delivery. Please see paragraphs 5.1 to 5.8 above.
- A3.24 Concerns about pollution from vehicle fumes entering properties from slow moving lorries. There has already been a diesel spillage which has polluted the watercourse. Concerned that polluted water from lorry cleaning will run into the water courses. Fumes from vehicles and spillages on the public highway are not controlled through the planning system.
- A3.25 Concerns of impact on privacy from overlooking into dwellinghouses on London End Lane from slow moving vehicles (breach of human rights). This type of overlooking would be associated with the use of the public highway and is beyond the controls of the planning system.
- A3.26 There should be security fencing around the site. The proposals include heras fencing with lockable gates to the site entrance; this is considered acceptable.
- A3.27 The site plan shows three big orange rectangles marked 'new mounding' which would block out most of the filter bed. The key on the plan clarifies that the orange rectangles show the location of the site welfare, store and office during

the construction phase and are not 'new mounding'.

- A3.28 Are alternative parking areas and welfare facilities being provided for residents when affected by traffic movement and blockages of the lane. This would go beyond the requirements of Condition 21. Obstruction of the public highway is covered by other legislation.
- A3.29 There should be an Independent arbitration provision for when tempers fray. This would go beyond the requirements of Condition 21.
- A3.30 No end date for construction has been provided. The conditions do not control the duration of the construction phase.
- A3.31 The submitted details do not show how the build will be carried out safely. Please see paragraph 5.6 above.
- A3.32 Other matters
- We are not prepared to suffer a devaluation of our property. Property values are not a material planning consideration.
- A3.33 The Council is obviously trying to make the Appeal approval work. Is it not possible to refer the Appeal approval back to the Inspector on the grounds of near-impossibility and that he failed to recognise the risks involved. Currently being considered is whether the submitted details meet the requirements of the conditions imposed; the principle of the development has already been approved.
- A3.34 A precedent for development will be set. We do not want any more developments on the edge of Bow Brickhill in the woodland. Planning permission has already been granted.
- A3.35 I am directly affected by the development through the loss of the site amenity which I and my dogs have enjoyed nearly all our lives. This is not a material planning consideration.
- A3.36 The development is a profit making scheme. This is not a material planning consideration.

- A3.37 The planning approval should be rescinded. The period in which the planning approval could have been challenged through judicial review has expired.
- A3.38 Concerns as to the legality and validity of the process. Why would the planning officer openly request private communications on such sensitive matters “it would be helpful if you could email your comments directly to me as this saves us having to scan documents.” This relates to the wording on the memos sent to internal consultees. Consultees are asked to email their comments directly to the case officer who then indexes the responses into the electronic case file and this makes the documents available to view online through the public access system. The consultation responses are therefore not private communications but are publically available.
- A3.39 Concerned that the developer doesn't have the money to complete the project. This is not a material planning consideration; however, the LPA does have powers to control untidy land.