

Item No. 9**SCHEDULE B**

APPLICATION NUMBER	CB/09/06239/FULL
LOCATION	Land adjacent to and to the north, Rushmore Close, Caddington
PROPOSAL	Erection of 12 dwellings. (5 x 2 bed houses, 5 x 3 bed houses and 2 x 1 bed bungalows.)
PARISH	Caddington
WARD	South East Bedfordshire
WARD COUNCILLORS	Cllr Ruth Gammons & Cllr Richard Stay
CASE OFFICER	Mr J Ellis
DATE REGISTERED	16 October 2009
EXPIRY DATE	15 January 2010
APPLICANT	Jephson Housing Association Group
AGENT	BHD Ltd
REASON FOR COMMITTEE TO DETERMINE	Major Development and Departure from Local Plan
RECOMMENDED DECISION	Full Application - Granted

Recommendation

That the application be referred to the Secretary of State as a departure from the approved Development Plan and, subject to it not being called in by him for his decision, that Planning Permission be GRANTED subject to the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to:-

- 1. control the management and occupation of the dwellings;**
- 2. provide financial contributions in respect of education provision;**
- 3. provide financial contribution in regard to the surfacing of the public footpath running through part of the site; and**
- 4. provision of a bin for canine waste and a commuted sum towards its emptying**

and subject to the following conditions:-

- 1** The development shall begin not later than three years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2** **Development shall not commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**
REASON: To ensure that remains of archaeological importance likely to be disturbed in the course of the development are adequately recorded.
- 3** **Before development begins, the developer shall submit to the Council, both electronically and in writing:**

- a) a Phase I Desk Study incorporating a site walkover, site history, maps and all further features of industry best practise relating to potential contamination;
- b) where shown to be necessary by the Phase I Desk Study, a Phase II Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling;
- c) where shown to be necessary by the Phase II investigation, a Phase III detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment;
- d) on completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase IV validation report to incorporate photographs, material transport tickets and sampling.

Any remediation scheme and any variations shall be agreed in writing by the Local Planning Authority prior to the commencement of works. This should include responses to any unexpected contamination discovered during development.

REASON: To protect human health and the environment.

- 4 Before development begins, a scheme for the protection of trees shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the programme for its implementation.

REASON: To agree all aspects of tree protection measures and aspects of their implementation and sequencing.

- 5 Before development begins, and notwithstanding the details included with the application, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

REASON: To ensure a satisfactory standard of landscaping.
(Policy BE8 S.B.L.P.R).

- 6 Before development begins, samples of the materials to be used for the external walls and roofs of all new buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: To control the appearance of the buildings.
(Policy BE8 S.B.L.P.R).

- 7 Before development begins, a scheme for screen fencing and/or screen walling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and

thereafter retained.

REASON: To safeguard the amenity of the area.
(Policy BE8 S.B.L.P.R).

- 8 **Before development begins, the positions of the proposed access road and dwellings shall be pegged out on site and their positions approved in writing by the Local Planning Authority.**
REASON: To enable consideration to be given to the precise layout of the development.
(Policy BE8 S.B.L.P.R).
- 9 **Before development begins, details of the proposed method of surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved details before the development is first occupied or brought into use.**
REASON: To ensure satisfactory drainage of the site.
- 10 **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.
- 11 **Development shall not begin until the detailed plans and sections of the proposed roads, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**
REASON: To ensure that the proposed roadworks are constructed to an adequate standard.
- 12 **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.
- 13 **Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**
REASON: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 14 **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**
REASON: To ensure adequate off street parking during construction in the interests of road safety.
- 15 The existing public footpath shall be retained in the position shown on the approved drawings with an unobstructed width of 2.0 metres, with an additional verge of 1.0 metres adjacent to the rear of the dwellings hereby permitted.
REASON: To ensure the public right of way is unaffected by the development.
- 16 The arboricultural consultant will carry out supervision in strict accordance with the methodology set out in Section 3 "Monitoring and Supervision" of the Arboricultural Method Statement produced by ACD (Ref. BHD17090amsA) that forms part of the application. The monthly site visits will be recorded and completed on the standard pro-forms as set out in Appendix 2 of the Method Statement, with copies sent to both the Developer and to the Council's Arboricultural Officer. The arboricultural consultant should ensure that appropriate protective measures are in place before any works start on site. Once the site is working, it will be the responsibility of the arboricultural consultant to switch to a role of monitoring compliance with the arboricultural conditions and to advise the Council arboricultural officer and developer on any tree problems that arise or modifications that become necessary.
REASON: To establish a system that will ensure that satisfactory tree protection measures are implemented and maintained thereafter, and to enable the satisfactory discharge of conditions.
- 17 Before construction starts, the Council will require that any crown lifting works are carried out only to facilitate access and in any case should not exceed the recommendations set out in Section 9 "Tree Surgery and Removal" of the Arboricultural Method Statement.
REASON: To prevent excessive tree works which exceed that required to implement the planning consent.
- 18 The precise location of Tree Protection Barriers must be installed in strict accordance with the Tree Protection Plan prepared by ACD (Drawing No. BHD 17090-03A) before any development activity starts. The fencing shall be erected in strict accordance with Section 7 "Tree Protection Fencing" of the Arboricultural Method Statement.
REASON: To ensure the satisfactory protection of the trunk, branches and rooting medium within the Root Protection Area of all retained trees and to establish a Construction Exclusion Zone.
- 19 The installation of services should be so designed that they are excluded from the Root Protection Area. However, where this is unavoidable, any new services within the Root Protection Areas should be installed with care as set out in Section 11 "Installation of Underground Services" of the Arboricultural Method Statement .
REASON: To safeguard the integrity of the rooting medium within the Root

Protection Area.

- 20 All installations of wooden fence posts within the Root Protection Areas will be carried out in strict accordance with Section 12 "Installation of Boundary Fencing Within Protected Areas" of the Arboricultural Method Statement.
REASON: To prevent root and trunk damage to the trees in order to safeguard the integrity of the rooting medium.
- 21 All soft landscaping operations within the Root Protection Areas will be carried out in strict accordance with Section 10 "Soft Landscaping" of the Arboricultural Method Statement.
REASON: To prevent root damage from heavy cultivation work in order to safeguard the integrity of the rooting medium.
- 22 Before any vehicular access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.
REASON: To provide adequate visibility between the highway and the proposed vehicle accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.
- 23 No dwelling shall be occupied until the visibility splay at the junction of Rushmore Close and Collings Wells Close has been provided. The minimum dimensions to provide the required splay lines shall be 2.4 metres measured along the centre line of Rushmore Close from its junction with Collings Wells Close and 43 metres measured from the centre line of Rushmore Close along the line of the channel of Collings Wells Close. The required vision splays shall, on land in the applicant's control, be kept free of obstruction.
REASON: To provide adequate visibility, and to make the junction safe and convenient for the traffic which is likely to use it.
- 24 No dwelling shall be occupied until the footway on the eastern side of the existing turning area of Rushmore Close has been resurfaced in accordance with details of the approved drawing/or scheme to be submitted to and approved by the Local Planning Authority.
REASON: In the interests of road safety and pedestrian movement.
- 25 The new vehicular access shall enter the public highway at the boundary at such a level as shall be agreed in writing by the Local Planning Authority. Any necessary gradient shall be constructed on the application site entirely outside highway limits.
REASON: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience.
- 26 Before the dwellings are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.
REASON: In order to minimise danger, obstruction, and inconvenience to

users of the highway and of the premises.

- 27 The turning space for vehicles illustrated on the approved plan drawing No 0902/SK-02 shall be constructed before the development is first brought into use.
REASON: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.
- 28 Details of bin storage/collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling.
REASON: In the interest of amenity.
- 29 This permission relates only to the details shown on Drawing No.'s 0902/SK-01 & 0902/SK-007 received 25/11/09, 0902/SK-02C & 0902/SK-08 received 15/12/09, 0902/SK-03A & 0902-06A received 17/12/09, 0902/SK-05 received 12/10/09 and BHD17090-03A received 24/11/09 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved plans and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy

East of England Plan (May 2008)
ENV7 (Quality in the Built Environment)

South Bedfordshire Local Plan Review Policies

H5 (Rural Affordable Housing)
BE8 (Design Considerations)
T10 (Parking - New Developments)

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. 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.
4. The applicant is advised that pursuant to Condition 7, the boundary treatment to the rear of the properties backing onto the public footpath

should consist of a 1.5 metre close boarded fence topped with a 0.3 metre trellis.

5. The attention of the applicant is drawn to following suggestions made by Natural England for the enhancement of biodiversity through development of the site as required under the Natural Environment and Rural Communities Act (2006):

- The consideration of using sustainable drainage systems (SUDS), such as permeable hard standing for the carp park areas of the site. This will help to relieve urban runoff during periods of heavy rain;
- Climbing plants, particularly those that are native such as honeysuckle and ivy can provide an important resource for many species of invertebrate, and even birds and bats may benefit. These could potentially be grown up the residential blocks, or even over the cycle shed;

Erection of bat and bird boxes, appropriate to a variety of species.

6. The applicant is reminded that, should groundwater or surface water course be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately.
7. The applicant is advised that prior to development commencing a Site Waste Management Plan should be submitted to the Council's Waste & Recycling Service. For future information about this requirement please contact Andrew McWha on 0300 300 4990.
8. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, to Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Customer Contact Centre, on 0300 300 8049 quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
9. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Planning and Control Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.

10. 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 Planning and Control Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
11. 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 Customer Contact Centre on 0300 300 8049.
12. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
13. The applicant is advised that if it is the intention to request the 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, 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.
14. All roads to be constructed within the site shall be designed in accordance with Bedfordshire County Council's publication "Highway Development Control Design Guide - January 1995" and the Department of the communities and Local Government/Department of Transport's "Manual for Streets", or any amendment thereto.
15. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Bedfordshire County Council's "Cycle Parking Guidance - August 2006".

[Note: In advance of consideration of the application the Committee were advised of consultation received as set out in the Late Sheet attached to these Minutes.]