

Item No. 10**SCHEDULE B**

APPLICATION NUMBER	CB/10/00381/FULL
LOCATION	Land Adjacent To St Thomas Meeting House, Windsor Drive, Houghton Regis
PROPOSAL	Erection of 3 storey residential care home (Revised application SB/TP/08/1107)
PARISH	Houghton Regis
WARD	Houghton Regis
WARD COUNCILLORS	Cllrs Egan, Goodchild, Jones & Williams
CASE OFFICER	James Clements
DATE REGISTERED	09 February 2010
EXPIRY DATE	06 April 2010
APPLICANT	Mr & Mrs B Kara
AGENT	AFS Ltd
REASON FOR COMMITTEE TO DETERMINE	The application site is owned by Central Bedfordshire Council and an objection raised cannot be overcome by way of condition
RECOMMENDED DECISION	Full Application - Granted

Recommendation

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 require the provision of a new bus lay-by, shelter and the stopping up and making good of the existing bay 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 **Before development begins, 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).

- 3 Before development begins, including any ground clearance or excavation, substantial protective fencing, the details of which shall first be approved in writing by the Local Planning Authority, shall be erected in the positions approved and the fencing shall be retained at full height and extent until the development is substantially completed. No materials shall be stored or deposited and no mixing of materials shall take place within the area so protected.

REASON: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2005 or as may be subsequently amended.
(Policy BE8 S.B.L.P.R).

- 4 Development shall not begin until details of the junction of the proposed vehicular access with the highway (including stopping up the redundant bus stop lay-by and turning this area back to grass verge) have been approved by the Local Planning Authority and no building shall be occupied until the 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 the premises.

- 5 Development shall not begin until a new bus stop lay-by has been constructed within _____m from the application site in a location along Windsor Drive and in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

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

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

- 7 Before development begins, a scheme for the parking of vehicles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the standards of the Local Planning Authority and shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

REASON: To ensure provision for car parking clear of the highway.
(Policy T10 S.B.L.P.R).

- 8 Before development begins, a scheme for fencing, including design, dimensions, colour and location, 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).**

- 9 Before work begins, details and samples of the proposed new external cill/head details shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in complete accordance with the approved details.

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

- 10 Before work begins, details of the proposed new external windows, eaves and doors showing materials, fenestration and reveal shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in complete accordance with the approved details.

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

- 11 Before development begins, details of the existing and proposed levels shall be submitted to and approved in writing by the Local Planning Authority, and development shall thereafter be implemented accordingly.

**REASON: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.
(Policy BE8 S.B.L.P.R).**

- 12 Before the 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 existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.

- 13 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 amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 14 Any gates provided shall open away from the highway and be set back a distance of at least 5.0m (domestic)/8.0 metres (agricultural) from the nearside edge of the carriageway of the adjoining highway.

REASON: To enable vehicles to draw off the highway before the gates are opened.

- 15 The maximum gradient of the vehicular access shall be 10% (1 in 10).

REASON: In the interests of the safety of persons using the access and users of the highway.

- 16 Before the premises 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.

- 17 The development shall not be brought into use until a turning space for vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.

REASON: To enable vehicles to draw off, park and turn outside of the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 18 The access shall have a minimum width of 4.8m.

REASON: In the interest of road safety and for the avoidance of doubt.

- 19 This permission relates only to the details shown on Drawing No's 285/WIN/NOV09 Revision D-JAN 10, 285A/WIN/NOV09 Revision D-JAN 10, 285B/WIN/NOV09 Revision D-JAN 10, 285C/WIN/NOV09 Revision D-JAN 10, 285D/WIN/NOV09 Revision D-JAN 10, 285E/WIN/09 Revision D-JAN 10, 285F/WIN/NOV09 Revision D-JAN 10, 285G/WIN/NOV09 Revision D-JAN 10 received 24/03/2010 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)
SS1 (Achieving Sustainability)
ENV7 (Quality in the Built Environment)

South Bedfordshire Local Plan Review Policies
SD1 (Sustainable Keynote Policy)
BE8 (Design)
T10 (Parking)
R3 (Urban Open Space Strategy)

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. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent is required from the Environment Agency for any proposed works or structures in, under, over or within 9.00 metres of the top of the bank of the main river (Houghton Brook).
5. The applicant is advised that in order to comply with Conditions 4 and 5 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.
6. If during the proposed development any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use. Further information can be obtained from Public Protection South.

The applicant is advised to contact Maurice Clay and Claire Bell, Team Leaders for Food Safety/Hygiene and Health and Safety/Licensing respectively, for any issues that may arise.

[Notes: 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.]