

APPLICATION NUMBER	CB/10/01467/FULL
LOCATION	The Five Bells, 2 Market Square, Eaton Bray, Dunstable, LU6 2DG
PROPOSAL	Erection of a single dwelling and garage.
PARISH	Eaton Bray
WARD	South West Bedfordshire
WARD COUNCILLORS	Cllr Ken Janes & Cllr Marion Mustoe
CASE OFFICER	Mr A D Robertson
DATE REGISTERED	26 April 2010
EXPIRY DATE	21 June 2010
APPLICANT	Miah Properties Ltd
AGENT	Hinton Cook Architects
REASON FOR COMMITTEE TO DETERMINE	Called in by Ward Councillor Mrs Marion Mustoe for reasons of overdevelopment; access on a busy road; risk of flooding; and change of use.
RECOMMENDED DECISION	Full Application - Granted

Reasons for Granting

The proposed development would be likely to result in an improvement to the overall setting, character and appearance of the Conservation Area and would not have an adverse impact on the residential amenity of the adjoining residential property. Additionally there are no objections to the proposal either on highway or flood risk grounds. The proposal is accordingly in accordance with government guidance and Local Plan Review policies.

Recommendation

That Planning Permission be GRANTED subject to the following:

- 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 the development is first occupied or brought into use, the parking scheme shown on Drawing No. 09-21-APP3-002A shall be completed and thereafter retained for this purpose.

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

- 4 **Notwithstanding the details submitted with the application, 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).**

- 5 **Before development begins and notwithstanding any details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed building 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 building.
(Policy BE8, S.B.L.P.R).**

- 6 **Before development begins, details of the levels of the proposed dwelling 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).**

- 7 **Before development begins, the position of the proposed dwelling shall be pegged out on site and its position 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).**

- 8 The windows shown on Drawing No. 09-21-APP3-004A shall be permanently glazed with obscured glass.

REASON: To protect the privacy of the occupiers of adjoining properties.
(Policy BE8, S.B.L.P.R).

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building hereby permitted shall be carried out without the grant of further specific permission from the Local Planning Authority.**

**REASON: To control the external appearance of the building in the interests of the amenities of the area.
(Policy BE8, S.B.L.P.R).**

- 10 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the property without the grant of further specific permission from the Local Planning Authority.

REASON: To control the development in the interests of the amenities of the area.

(Policy BE8, S.B.L.P.R).

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), any garage, car port or parking space hereby permitted shall be kept permanently available for the parking of motor vehicles.

REASON: To ensure that off-street parking is retained in the interests of highway safety.

(Policy T10, S.B.L.P.R).

- 12 **Development shall not begin until details of the junction between the access road fronting the site and Park Lane have been approved by the Local Planning Authority and the dwelling shall not 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.

- 13 Before the access serving the driveway 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.

- 14 The dwelling shall not be occupied until a visibility splay has been provided at the junction between the access road fronting the site with Park Lane. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the access road from its junction with the channel of the Park Lane and 25m measured in a north-westerly direction from the centre line of the access road along the line of the channel of Park Lane. The vision splays required shall, on land in the applicant's control, be kept free of any obstruction.

REASON: To provide adequate visibility between the access road and Park Lane and to make the access safe and convenient for the traffic which is likely to use it.

- 15 The vehicular access shall be constructed and surfaced in accordance with details to previously be approved in writing by the Local Planning Authority for a minimum distance of 5m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

REASON: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.

- 16 Before the vehicular 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.

- 17 **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.

- 18 **Before development begins, details of a bin storage/collection point shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented before the first occupation of the dwelling.**

REASON: To avoid the long term storage of refuse containers on the highway so as to safeguard the interests of highway safety .

- 19 **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 as approved 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.

- 20 This permission relates only to the details shown on the Site Location Plan received 26/04/10 and Drawing Nos. 09-21-APP-003A, 09-21-APP-004A, 09-21-APP-010 and 09-21-APP2-002A received 14/07/10 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 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:

South Bedfordshire Local Plan Review

BE8 - Design and Environmental Considerations

H2 - Provision of Housing via 'Fall-in Sites'

T10 - Parking in 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 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/developer is advised that in order to comply with Conditions 12 and 16 of this permission it will be necessary for the developer of the site to enter into a small works 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 Highways Agreements Officer, Central Bedfordshire Council.
5. The applicant/developer 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.
6. The applicant/developer 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.

7. The applicant/developer is advised that whilst the Council has no reason to believe that the site is contaminated and is not aware of any potentially contaminative past use, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site.

Any staining, odours or other indications of contamination discovered during development should be described to Central Bedfordshire Council's Public Protection Service. Any imported material for gardens and landscaping must be of a quality that adheres to British Standard for Topsoil BS 3882:2007, as expected by the NHBC and other bodies.

8. This permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

[Note:

1. 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.
2. In advance of consideration of the application the Committee received representations made in accordance with the Public Participation Scheme.]