

Item No. 08**SCHEDULE B**

APPLICATION NUMBER	CB/10/01470/FULL
LOCATION	The Five Bells, 2 Market Square, Eaton Bray, Dunstable, LU6 2DG
PROPOSAL	Conversion and extension of barn to form dwelling (plot 3) and erection of two additional dwellings (plots 4 & 5)
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 reason of overdevelopment; access onto a busy road; risk of flooding; and change of use.
RECOMMENDED DECISION	Full Application - Granted

Reasons for Granting

The proposed development of the site by the erection of three dwellings is considered to be acceptable in principle and in accordance with national guidance and policies in the South Bedfordshire Local Plan Review. The proposal provides the opportunity to deliver housing at an appropriate density, on an area of vacant and under-used land within the built-up area of the village and although the site is in the Conservation Area it is considered that the development would not have an adverse impact on the setting, character and appearance of the area.

The revised plans in respect of the plot 5 dwelling overcome our previous concerns in respect of the impact of the development on the residential amenity of the adjoining properties.

Recommendation

That Planning Permission be GRANTED subject to the receipt of a unilateral undertaking in relation to the Council's Planning Obligations Strategy and 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 The existing trees and hedgerows shall be retained and protected in a manner to be approved in writing by the Local Planning Authority and shall not be destroyed, uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees or hedgerows removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced by trees or hedgerow specimens of such size and species as may be agreed with the Local Planning Authority. Such trees or hedgerow specimens 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 comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard existing trees and hedgerows on the site.
(Policy BE8 S.B.L.P.R).
- 4 Before the development is first occupied or brought into use, the parking scheme shown on Drawing No. 09-21-APP1-002D 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).
- 5 **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).**
- 6 **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed 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, details of the levels of the proposed dwellings 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).
- 8 **Before development begins, the positions of the proposed 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 The windows shown on Drawing No. 09-21-APP1-008D 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).
- 10 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 buildings 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 buildings in the interests of the amenities of the area.
(Policy BE8 S.B.L.P.R).
- 11 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).
- 12 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).
- 13 **Development shall not begin until details of the junction of the proposed vehicular accesses with the highway 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.

- 14 Before the accesses are first brought into use a triangular vision splay shall be provided on each side of the new accesses 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 drives. 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 accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.
- 15 Visibility splays shall be provided at the junction of the accesses with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.
REASON: To provide adequate visibility between the existing highway and the proposed accesses and to make the accesses safe and convenient for the traffic which is likely to use them.
- 16 No dwelling shall be occupied until the footway along the frontage of the proposed development site has been widened in accordance with details which shall previously be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety and traffic movement.
- 17 The proposed vehicular access shall be constructed and surfaced in accordance with details to 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 first 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.
- 18 **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.
- 19 **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 dwellings.**
REASON: To avoid the long term storage of refuse containers on the highway so as to safeguard the interests of highway safety.

- 20 **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.**
- 21 Prior to the commencement of the development hereby permitted, a survey of the site shall be undertaken in order to ascertain whether there are any bats roosting on the site, and the results of the survey submitted to the Local Planning Authority. Any habitat protection measures recommended in the survey report shall be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority.
- REASON: To enable proper consideration to be given to the impact of the development on nature conservation interests.
- 22 This permission relates only to the details shown on the Site Location and Drawing Nos. 09-21-APP1-003, 09-21-APP1-004, 09-21-APP1-005, 09-21-APP1-006, received 26/04/10, Drawing No. 09-21-APP1-002D received 07/09/10 and Drawing Nos.09-21-APP1-003D and 09-21-APP1-008D received 21/09/10 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 Condition 16 of this permission it may be necessary for the developer of the site to enter into a Section 278 (small works) Agreement and a Dedication Agreement with Central Bedfordshire Council as Highway Authority to ensure the satisfactory completion of the footway works. Further details can be obtained from the Highways Development and Control Department, Central Bedfordshire Council.
5. The applicant/developer 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, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Customer Contact Centre 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.
6. 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 Highways, Streetworks Co-ordination Unit.
7. 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.
8. 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.
9. The applicant/developer is advised that this application is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

[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.]