

Item No. 8**SCHEDULE B**

APPLICATION NUMBER	CB/10/04441/OUT
LOCATION	Heath Motors, Woburn Road, Heath And Reach, Leighton Buzzard, LU7 0AP
PROPOSAL	Erection of 14 dwellings comprising mix of terraced, semi-detached and detached houses
PARISH	Heath & Reach
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Mr C Murdoch
DATE REGISTERED	20 December 2010
EXPIRY DATE	21 March 2011
APPLICANT	Mr Banwell
AGENT	Kirkby & Diamond
REASON FOR COMMITTEE TO DETERMINE	Member call-in
RECOMMENDED DECISION	Full Application - Granted

Site Location:

Heath Motors is on the western side of Woburn Road, some 140m north of its junction with Birds Hill and Linslade Road. The premises are some 2.3km from the A5 to the north and 3.3km from Leighton Buzzard town centre to the south.

The site is roughly 'L'-shaped with a width at the road frontage of 60m, a width at the rear boundary of 150m, a maximum depth of 145m and an overall area of 0.74ha. The existing tenants of the premises are a car sales company that occupy the area adjacent the road frontage and a vehicle repair and servicing company that occupy workshop buildings immediately to the rear of the car sales company. To the rear of the workshops is an open area used for vehicle storage. An unusual feature of the site is that this open area is enclosed by steep embankments on the north-western, south-western, southern and south-eastern sides. At the top of the north-western, southern and south-eastern embankments are rows of mature/semi-mature Pine trees, whilst at the top of the south-western embankment is mature Cypress hedging.

To the north east of the site and set back from the main road is a modern infill development of four detached houses - Nos. 29, 31, 33 and 35 Woburn Road, together with older detached and semi-detached houses fronting onto the main road - Nos. 21, 23, 25 and 27 Woburn Road. To the south and south east are detached, semi-detached and terraced housing fronting onto Woburn Road, whilst to the south west is St. Leonard's Lower School. To the north west is the recently infilled Thrift Quarry.

With the exception of the north-western embankment, the site is wholly outside the Green Belt and within the defined limits of the village.

The Application:

This is an outline application with only access being determined at this stage. All other matters are reserved for later consideration. It is proposed to demolish all the existing buildings and permission is sought to redevelop the site for residential purposes. The illustrative layout submitted with the application indicates a development of 14 dwellings comprising a terrace of 3 two-bed houses on the Woburn Road frontage, 4 three-bed semi-detached houses and 7 four/five-bed houses. The access serving the existing businesses on the site would be re-used for the new development. The estate road would have a 4.8m wide carriageway with a 2m wide footway on one side and a service strip on the other side. Plots 1 to 12 would have a minimum of two parking spaces per dwelling, whilst Plots 13 and 14 would have one space each. The existing gated vehicle access to Thrift Quarry (that runs beside the north-eastern boundary) would be retained in the proposed layout by the formation of a driveway between Plot 12 and Plots 13 and 14.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development.
PPG2 - Green Belts.
PPS3 - Housing.
PPS7 - Sustainable Development in Rural Areas.
PPS9 - Biodiversity and Geological Conservation.
PPS10 - Planning for Sustainable Waste Management.
PPG13 - Transport.
PPS23 - Planning and Pollution Control.

Regional Spatial Strategy

East of England Plan (May 2008) Policies

SS1 - Achieving Sustainable Development.
SS4 - Towns other than Key Centres and Rural Areas.
SS7 - Green Belts.
H1 - Regional Housing Provision 2001 to 2021.
ENV3 - Biodiversity and Earth Heritage.
ENV7 - Quality in Built Environment
WM6 - Waste Management in Development.

Milton Keynes & South Midlands Sub-Regional Strategy

Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

Bedfordshire Structure Plan 2011

Policy 25 - Infrastructure.

South Bedfordshire Local Plan Review Policies

GB3 - Green Belt villages.
BE8 - Design and environmental considerations.
T10 - Controlling parking in new developments
H2 - Making provision for housing via 'fall-in' sites.
H3 - Meeting local housing needs.

E2 - Control of development on employment land outside Main Employment Areas (Category 2).

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development

Planning History

SB/TP/79/01550	Permission for new workshop and toilets.
SB/TP/80/00290	Permission for canopy and alterations to access.
SB/TP/90/00158	Permission for installation of underground storage tank and alterations to pump island
CB/09/07064/OUT	Withdrawn outline application for 14 dwellings and access.

Representations: (Parish & Neighbours)

Heath and Reach
Parish Council

Objection.

- Parish Council is not against the principle of the Heath Motors site on Woburn Road, Heath and Reach being developed for housing and considers that this is possibly the only site within the village where any meaningful housing development might take place. The village's Parish Plan, published in June 2007, identified that there is a major issue with the village community ageing over the next ten to twenty years as fewer young families can afford to move into the community. Recent housing developments in Red Lion Court, Evans Yard and on Woburn Road (adjacent to this site) have largely not assisted in alleviating the problem due to the type of properties built. It is therefore vital that any housing development on this site recognises the need to ensure that it will contribute positively to the long term sustainability and viability of the village and its amenities.
- The mix of housing proposed does not sufficiently recognise the major need in the village for affordable housing suitable for families with younger children – of the 14 properties proposed, 7 have 4 and 5 bedrooms which will put them out of reach of most young families. Whilst this application has increased the number of three bedroom houses to 4 from 3 in its previous submission, there still needs to be a greater proportion of 3 bedroom houses to make them affordable for young families and to attract families that would potentially support the village lower school and use the services and amenities in the village. There

may be some Section 106 monies available to the developer from previous village developments to help facilitate this.

- Paragraph 4.3.3 of the Transport Statement states that “*there is a need to retain access for small maintenance vehicles*” to the restored Thrift Quarry behind this site. There is no necessity for access to be retained as there is no agreement in the quarry restoration plans for Thrift Quarry to provide a break in the fence line for access at this point – the agreed access being from the existing track through Bakers Wood and Brick Kiln Lane. Given the close proximity of the new lower school recreation ground to the rear of the site on part of Thrift Quarry, it is also essential that the access points to the quarry are restricted to ensure the safety of children using the recreation space.
- The development of the site will remove the small amount of off-street parking that residents on Woburn Road currently use, (the existing disused access slope to Thrift quarry). The development must make provision for some formal off street parking space for those living opposite on Woburn Road in the terraced houses. Without this, the development will undoubtedly find the access road and visitors spaces are used by those living across the road which will create nuisance and safety issues.
- This application does not contain any further detailed information regarding the removal or retention of existing trees within the site. The previous application stated that the development requires that some 12 trees - Lawson Cypress(a group of 2), Leylandii (a group of 3), 7 Black Pine; 2 Scots Pine; 1 Holly are removed to enable site re-profiling and effective use of the site for building. All are Category C2 (low quality and value – in adequate condition). This accounts for some 44% of the trees identified within the site. The Parish Council’s previous comment and objection still remains given the lack of further information. Whilst it is accepted that they may not be of particular merit in themselves, insufficient replanting is shown to replace this substantial number of trees being removed. The schematic and Design and Access Statement indicates possibly 6 new 'semi-mature' trees.
- The Site Plan Schematic indicates that there are trees along the entire perimeter length and on the active Badger sett which will be retained and protected, this is confirmed by the aerial photograph of the site. The detailed site plan which shows the 27 trees, manhole

covers etc. does not show any trees on the Badger sett and trees on the rear perimeter length for only part of its length. Clarification is required as to what trees are actually on the site or in the immediate vicinity, which may belong to adjacent properties, for example, the hedgeline belonging to the school, which may be impacted by the development directly or indirectly both during and after any development. Clarification is also sought as to the long term management and protection of those within the site along the rear perimeter - the documents do state that whilst they are Category C trees they will be retained but they could be threatened by any proposed site re-profiling.

- The Habitat and Animal Walk-over Survey Report shows that there is a likelihood of bats being present in the area under consideration. Further detailed surveys must be carried out to determine the effect any development might have and what actions might be required to protect their habitats. The Survey acknowledges that there could be some wildlife present, particularly birds and some small reptiles. Little perennial vegetation was considered to be of any merit. The survey was completed on 1st October 2009 which would not necessarily provide any indication of any species that might be seen earlier in the year. Full wildlife surveys (flora and fauna) must be carried out to determine the effect any development might have and what actions might be required to protect their habitats.
- There is an active Badger sett in the bottom left hand corner of the site which will require monitoring to ensure that it is safeguarded both during any development and into the long term. The designated area appears to lie outside the proposed house boundaries – it may fall within the curtilage of Plot 8 but this is not clear from the drawings. Confirmation is therefore required as to who will own it together with plans for its long term protection and management rather than statements that legislation will be complied with.
- Page 6 of the Design and Access document states “*It is understood (subject to detailed survey) that there are no issues of contaminated land...*”. The existing bulk fuel tanks are not marked on any of the plans and given their age it is unlikely that there would be no contamination. There is also no statement as to whether they would be filled or removed and both alternatives have implications for the site. The Parish Council would expect there to be some contamination throughout the site, however minor, as a result of the activities that have been carried within the site for

many years. The Parish Council's concern is underlined by the Environment Agency response that it is imperative that a full contamination survey is completed for the entire site and a full action plan produced before any permission is granted. Given that most developments now require the retention and recycling of materials and soil on site, plans must be provided as to how any such materials will be handled should there be any contamination.

- Page 6 of the Design and Access Statement states that "*all mains services are available locally*". However no statements are provided as to whether the existing utility and service supplies are capable of taking additional properties without further investment. This is a major concern as there are parts of the village sewerage system that are already under stress. If Heath Motors site does get connected to the main sewers, not only does The Style get flooded, 6 bungalows in Emu Close, Nos. 30, 31, 32, 33, 34 and 35, get flooded with 15 to 18 inches of back peddling sewer water in their back gardens because the sewers cannot take it. Anglian Water have told residents that it cannot cope with it.

Neighbours

11 Woburn Road

Concerned about privacy - in 150 years since house was built it has not been overlooked by housing. Council should ensure that all existing trees and any new trees and landscaping obscure view of back of house and garden from any new houses and gardens, as bathroom window has never needed to be frosted.

Many residents use area near existing gated access to sandpit for overnight parking - hopefully they will still be able to park there if this area is redeveloped.

If there was public footpath previously at existing gated access, at rear of proposed development where sandpit has just recently been infilled, then public should still have access to it.

Development should be open to public and not gated.

29, 31, 33 and 35
Woburn Road

Objection.

Green Belt

Heath and Reach is Category 3 village where development is allowed within boundary defined on inset map. Reference to inset map shows that boundary is at bottom of north-western site embankment. Site area clearly overlaps Green Belt boundary, showing application boundary on top of embankment. Indicative site layout

shows garden areas of Plots 9-12 encroaching into Green Belt land. Would expect to see this land excluded from application site and made subject of S106 Agreement controlling its future use.

Housing mix

Policy H3 requires 33% of new housing within built up areas to be 1 and 2 bed properties which equates to 5 houses on 14 unit scheme (rounded up). Note schedule of accommodation on application form quotes only 3 x 2 bed houses - 20%.

Ecology

Note there is Badger sett in south west corner - surprised to see housing proposed within 10m of this.

Trees

Note site survey does not show trees to west and south west boundaries, only noting their presence and consequently tree survey makes no reference to them. As they are set on high embankments, which remain outside development, question of root protection does not apply. However, shadowing plan should be produced to show effect of trees and embankment on amenity of houses in these locations - combined height of trees and embankment will mean that large portion of south and west boundaries will be without sun for majority of year. Sections shown through site should be dimensioned to show that they coordinate with survey and are measurable.

Layout issues

Although application is in outline only, any approval should reference following points.

- Relationship between Plot 14 and 21 Woburn Road is unacceptable, as it will result in No. 21's garden being totally overshadowed by gable of Plot 14.
- Parking provision for Plots 13 and 14 is below Council's adopted standard.
- None of garages shown are sized to meet Council's adopted standard.

Consultations/Publicity responses

Anglian Water

There are no assets owned by AW or those subject to adoption agreement within site boundary.

Foul drainage from development is in catchment of Leighton-Linslade STW that at present has available capacity for these flows.

Sewerage system at present has available capacity for these flows.

Preferred method of surface water disposal would be to sustainable drainage system (SUDS) with connection to sewer seen as last option. PPS25 emphasises role of SUDS and introduces presumption that they will be used in all developments. Building Regulations include surface water drainage hierarchy with infiltration on site as preferred disposal option, followed by discharge to watercourse and then connection to sewer. Recommend condition requiring drainage strategy to be agreed.

Bedfordshire Police ALO	No objection.
Environment Agency	Planning permission should only be granted if recommended conditions are imposed
Leighton Buzzcycles	<p>Neither supports nor opposes principle of development.</p> <ul style="list-style-type: none">• It is not clear why pavement only goes along one side of internal road - people still need to walk to their houses and young children will still cycle off road near to home.• Access to north west corner should be retained for public use should Thrift Quarry become available for public access.• Provision of cycle storage for each dwelling is welcomed.
Natural England	<p>No objection.</p> <p>No adverse effects on King's and Baker's Wood and Heath SSSI.</p> <p>Further bat survey, to determine whether bats (in particular maternity/breeding roost) were roosting within buildings scheduled for demolition, indicates that gaps previously thought to offer roosting potential were observed to be cobwebbed and draughty, offering little opportunity for crevice dwelling species such as Pipistrelle. Whilst survey did not include emergence techniques, closer examination of potential areas revealed these to be unsuitable, thus negating need for additional technique. Clearly, site holds no roosting potential for most minimal of roosts and so no maternity roost can be expected. Further conditioned surveys for bats will not be required.</p> <p>With respect to Slow Worm population and active Badger sett, standing advice on protected species should be taken into account.</p>

Archaeological Officer	<p>No objection.</p> <p>Site is within medieval core of settlement - archaeologically sensitive area and locally identified heritage asset. However, location and nature of development means that it is unlikely to have serious impact on any archaeological deposits or significance of heritage assets.</p>
Environmental Health Officer	<p>Recommend condition.</p>
Tree and Landscape Officer	<p>Previously, it was recommended that sufficient distance be allowed from bund to prevent encroachment of trees over new units and to avoid restriction of useable garden space; it was recommended that useable garden space of 9m depth be allowed, not including existing bund.</p> <p>Assessing new application, it is welcomed that design approach, as stipulated in Design and Access and Justification Statement (DAS), now recognises that size of gardens and trees within and bounding site are design constraint. Proposed layout is seen to mostly address previous concerns, although Plot 9 still appears to be partly encroached by tree belt, despite being allowed deeper south west facing garden. Sketch Schemes 1, 2 and 3 in DAS seem to propose layouts to overcome this problem, but designs do not seem to have been adopted into final revised outline scheme.</p> <p>New layout is improvement on previous application, but would still prefer layout indicated in Sketch Scheme 2 to give maximum clearance from tree belt in order to minimise future nuisance being caused</p>
Waste Planning Development Officer	<p>Applicant will need to provide following.</p> <ul style="list-style-type: none"> • Proposed collection points for each dwelling. • Details of whether proposed cul-de-sac is to be adopted. • Tracking details for Council's collection vehicle, if cul-de-sac is to be adopted. <p>Given size of development, Site Waste Management Plan (SWMP) will be required. Recommend SWMP be subject of pre-commencement condition.</p>

Determining Issues

The main considerations of the application are;

1. Green Belt
2. Loss of employment land

3. Housing mix and density
4. Impact on existing trees
5. Ecology
6. Highway safety

Considerations

1. Green Belt

Heath and Reach is a Category 3 village. Local Plan Review Policy GB3 states that Category 3 villages are excluded from the Green Belt and that new development and redevelopment will be permitted within the settlement boundaries defined on the relevant inset map on a larger scale than for Category 2 villages. (Limited infilling, limited redevelopment and limited extension to non-residential property is permitted in Category 2 villages.) As mentioned above, save for the north-western embankment, the site is wholly outside the Green Belt and its redevelopment for residential purposes would not conflict with Policy GB3. At Heath Motors, the Green Belt boundary does not follow the property or ownership boundaries whereas immediately to the north and the south it does follow property boundaries. Whilst the inclusion within the Green Belt of the north-western embankment appears to be an anomaly, it is nevertheless designated Green Belt. However, it should be noted that given the steepness of the embankment and the presence of mature/semi-mature trees on its top, the embankment is not a developable part of the site and its future use could be controlled by condition.

2. Loss of employment land

The proposed redevelopment would involve the loss of the existing employment uses from the site - the car sales company that employs 4 full time staff and the vehicle repair and servicing company that employs 3 full time staff. Heath Motors is not within a Main Employment Area; accordingly, the proposal must be assessed with reference to Local Plan Review Policy E2 which states:

Proposals for development, redevelopment or change of use of existing or allocated employment land outside the Main Employment Areas for uses other than B1, B2 and/or B8 will be permitted where:

(i) they would not unacceptably reduce the supply, variety or quality of available industrial and commercial land and property in (the District) southern Central Bedfordshire; and

(ii) they would contribute towards meeting the employment needs of (the District) southern Central Bedfordshire, or widening the range of employment opportunities; and/or

(iii) they would make a positive and necessary contribution towards urban regeneration and the supply of land for housing or other essential uses; and

(iv) they would not unacceptably prejudice, or be prejudiced by, existing or proposed uses of adjoining land, particularly through disturbance; and

(v) traffic generated would not cause unacceptable disturbance in residential or other sensitive areas.

Where a proposal is a high trip generating land use, the site must be well related to existing and proposed highways, public transport routes and residential areas.

The proposed development would satisfy all these criteria, in particular it would make a positive contribution towards the supply of land for housing. It should be noted that both existing companies have found alternative sites within the local area to which to relocate at the appropriate time. The new scheme would not result in a net loss of jobs in the local area and would therefore accord with Development Plan policies that seek to sustain existing levels of employment.

3. Housing mix and density

The Draft National Planning Policy Framework was published in July this year. In the section on housing the Government advises that its key housing objective is to increase significantly the delivery of new homes. This means increasing the supply of housing, delivering a wide choice of high quality homes that people want and need, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities. The Government further advises that applications should be considered in accordance with the Draft Framework's presumption in favour of sustainable development which requires that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent, indeterminate or where policies are out of date.

The presumption should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits.

Whilst the proposal complies with Local Plan Review Policy H2, which supports the provision of new housing by development of infill sites and redevelopment within built up areas excluded from the Green Belt, in strict terms, it is contrary to Policy H3 which requires that the proportion of one or two bed dwellings to be provided in residential development should be not less than 33% of the total dwelling provision. With regards to the current application, although the proportion of two bed dwellings to be provided is only 20%, it is important to note that whilst the amount of development - 14 dwellings - must be agreed at outline stage, the precise housing mix would be determined at reserved matters stage, having regard to the requirements of the local housing market at that time. It is important to note also that the footprint of the two bed house proposed for Plots 1, 2 and 3 is similar to that of the three bed house proposed for Plots 13 and 14. The applicant argues that modern three bed houses do not tend to be 'big' houses and there is a great deal more demand for three bed homes which tend to provide much better value for money for purchasers. The plots of the proposed two bed houses would be of sufficient size to offer the potential to add a third bedroom - a positive response to concerns in respect of housing mix expressed by the Parish Council. Given that 50% of the proposed housing would be smaller scale terraced or semi-detached units, it is considered that the correct balance in terms of housing mix would be achieved, having regard to the requirements in the Draft Framework to increase the supply of housing and deliver a wide choice of homes that people want and need.

The proposed number of dwellings (14) is below the national indicative threshold for affordable housing (15), so no affordable housing is required to be provided as part of this new scheme. The housing density would be 19 dwellings per hectare which is acceptable, given the character of the area and the site's topographical/ecological constraints. PPS3 has been amended and the previously recommended minimum housing density of 30 dwellings per hectare no longer applies.

4. Impact on existing trees

Due to the site constraints, referred to above, it has proved difficult to produce a layout that uses the site efficiently whilst at the same time achieving a development that would be viable against existing land use values, having regard to the Council's planning obligations strategy. In order to use the site efficiently it would be necessary to remove a belt of trees in the northern part of the site, adjacent the existing vehicular access to Thrift Quarry. Replacement tree planting at reserved matters stage could be secured as part of a landscaping condition.

The detailed tree survey did not include any trees on the embankments, as they would not be directly affected by the new scheme. Given that the proposed development would not extend beyond the central area of the site where levels have been reduced, all the trees on the margins could be retained. The development would not encroach into any of the root protection areas and 9m/10m minimum depth level gardens could be created, at grade, without any excavation of the existing embankments that define the extent of the developable part of the site. The applicant states that a management plan for the embankment trees would be submitted and approved as part of the reserved matters application in due course.

With regards to the comments from the neighbours in respect of the potential shadowing effect of the trees on the higher ground margins of the site, the Tree and Landscape Officer advises that the Scots Pine trees on the north-western, southern and south-eastern embankments will lose their lower branches with age and will normally develop a high compact crown. It follows that the shadowing effect is not relevant to this species of tree.

5. Ecology

The initial bat survey found that although the existing buildings have areas that are suitable for small numbers of roosting bats, no evidence of bats was found in and around the buildings surveyed. The survey report noted that the surrounding habitat is good commuting and foraging habitats for bats. Whilst the report recommended that an evening emergence survey be undertaken (watching for bats leaving roosts at dusk), further investigation of gaps in the buildings previously thought to offer roosting potential observed that they are cobwebbed and draughty and therefore offer little opportunity for crevice dwelling species such as Pipistrelle. Closer examination of potential roosting areas revealed these to be unsuitable, thus negating the need for the emergence survey. Natural England confirm that the site holds no roosting potential for the most minimal of roosts.

There is an active Badger sett in one of the embankments. Given that the embankments are to be retained and are outside the developable part of the site, there should be no direct impact on the sett during the construction phase

of the new scheme. However, having regard to the likely proximity of construction works to the sett, the applicant/developer would need to obtain a disturbance licence from Natural England. PPS9 *Biodiversity and Geological Conservation* states that Local Planning Authorities should ensure that species such as Badgers are protected from the adverse effects of development by using planning conditions or obligations. Natural England's Standing Advice on Badgers states that permission may be granted subject to a condition requiring a detailed mitigation and monitoring strategy to be submitted for approval by the Local Planning Authority. The condition should refer to the disturbance licence requirement.

The reptile survey recorded a small population of Slow Worms using the site. It is likely that this population is breeding due to the high number of juveniles observed. As in respect of Badgers, Natural England's Standing Advice on Slow Worms states that permission may be granted subject to a condition requiring a detailed mitigation and monitoring strategy to be submitted for approval by the local planning authority. The condition should cover provision of a reptile hibernacula, provision of enhanced foraging in garden habitats and use of a suitably qualified and experienced ecologist to undertake hand searches for reptiles and advise on site clearance.

6. Highway safety

The Highways Officer's comments are awaited and will be reported at the meeting. In discussions he notes that an average speed of 37mph has been used to set visibility splays, as prescribed in *Manual for Streets*. The applicant has demonstrated that visibility splays of 2.4m x 59m at the site entrance could be achieved within the existing highway boundary. The Highways Officer considers this to be acceptable. In further advice, he states that at least in part a 2m wide footway should be provided on the northern side of the estate road to compliment that on the southern side of the road. In respect of car parking, the Highways Officer states that with the exception of Plots 13 and 14, which each require an additional parking space, parking provision is acceptable.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

- 1 **Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**
 - **appearance**
 - **landscaping**
 - **layout; and**
 - **scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with Article 3(4).**

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

- 2 Plans and particulars of the reserved matters, referred to in Condition 1 above, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out only as approved.

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

- 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years after the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall begin either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 5 **Before development begins, a landscaping scheme 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 The existing embankments adjoining the north-eastern, north-western, south-western, southern and south-eastern boundaries of the site shall be retained and protected in accordance with a Management Plan that previously shall have been submitted to and approved in writing by the Local Planning Authority. There shall be no excavation of or re-profiling of these embankments without the prior express approval/permission of the Local Planning Authority.

The existing trees and hedgerows growing on the tops of these embankments shall be retained and protected for the duration of the development 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 on site.
(Policy BE8, S.B.L.P.R.).

7 **The plans and particulars to be submitted in accordance with Condition 5 above shall be submitted before development commences and shall include:**

(a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;

(b) and in relation to every tree identified a schedule listing:

- information as specified in Paragraph 4.2.6 of British Standard BS 5837 : 2005 (*Trees in Relation to Construction - Recommendations*);**
- any proposed pruning, felling or other work;**

(c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:

- any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see Paragraph 5.2.2 of BS 5837 : 2005);**
- all appropriate tree protection measures required before and during the course of development (see Condition 8 below);**

(d) areas of existing landscaping to be protected from construction operations and the method of protection (see Condition 8 below).

Reason: To safeguard the existing trees on the site in the interests of visual amenity.
(Policy BE8, S.B.L.P.R.).

8 **Development shall not commence until a tree protection plan, which clearly shows the position and build specification of tree protection, with the purpose of enclosing an area around the canopy spread of all retained trees, has been submitted to and approved in writing by the Local Planning Authority. The fencing shall form a construction exclusion zone (as specified in Section 9 of BS 5837 : 2005) which shall be demarcated by protective barriers (as specified by Figure 2 of BS 5837 : 2005). These measures shall be for the purpose of avoiding localised compaction of the rooting medium and preventing damage to the natural canopy spread by avoiding branch encroachment by plant and machinery.**

Reason: To safeguard the rooting medium, natural canopy spread and health of trees marked for retention on the site layout plan and which are considered to be strategically important.

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

- 9 **Development shall not commence until details of a scheme describing the treatment of all the site boundaries and the treatment of the boundaries of each house plot, to include details of any fencing to be erected on the embankments that adjoin the site boundaries, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the treatment of the site boundaries and the treatment of the boundaries of each house plot shall be carried out in accordance with the approved details. There shall be no variation to these approved boundary treatments without the express permission/approval of the Local Planning Authority.**

**Reason: To safeguard the amenity of the area and to safeguard the embankments and the trees growing on the tops of the embankments.
(Policy BE8, S.B.L.P.R.).**

- 10 **Development shall not commence until details of the existing ground levels within and adjoining the site and details of the finished floor levels of each building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details of levels.**

**Reason: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.
(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), no extensions to the buildings hereby permitted shall be carried out without the grant of a 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 and to safeguard the embankments that adjoin the site boundaries and the trees growing on the tops of the embankments.
(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), the provision within the curtilages of the dwellings hereby permitted of any building or enclosure, swimming or ornamental pool required for purposes incidental to the enjoyment of the dwelling, or the alteration of such a building, enclosure, swimming or ornamental pool shall not be carried out 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 and to safeguard the embankments that adjoin the site boundaries and the trees growing on the tops of the embankments.
(Policy BE8, S.B.L.P.R.).**

- 13 **Development shall not commence until a surface water strategy/flood risk assessment has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy/flood risk assessment so approved unless otherwise approved in writing by the Local Planning Authority.**

Reason: To prevent environmental and amenity problems arising from flooding.

- 14 **Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.**

1. A desk study identifying:

- all previous uses**
- potential contaminants associated with those uses**
- a conceptual model of the site indicating sources, pathways and receptors**
- potentially unacceptable risks arising from contamination at the site.**

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters in accordance with Planning Policy Statement 23 (PPS23) and our Groundwater Protection: policy and practice (GP3). The site overlies the Woburn Sands principal aquifer. Principal aquifers are geological strata that exhibit high permeability and provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale. The regional use of groundwater in the area makes the site vulnerable to pollution. The Trendrevel Services Limited "Desk Study" submitted with the application identifies several historical land uses on site that pose the potential for polluting controlled waters, including petrol filling station, vehicle dismantling

and historic landfill site.

- 15 If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To protect and prevent the pollution of controlled waters in accordance with PPS23 and Environment Agency GP3.

- 16 **Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.**

Reason: To protect and prevent the pollution of controlled waters in accordance with PPS23 and Environment Agency GP3. The site overlies a vulnerable principal aquifer. There is an increased potential for pollution from inappropriately located or designed infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

- 17 Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: The site is potentially contaminated and penetrative foundation solutions could lead to the contamination of groundwater in the underlying aquifer.

- 18 **Prior to the commencement of development approved by this planning permission, the developer shall submit to the Local Planning Authority, in both paper and electronic form where possible:**

(a) A Phase 1 desk study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.

(b) Where shown to be necessary by the Phase 1 desk study, a Phase 2 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 2 site investigation, a Phase 3 detailed scheme for the 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 4 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 works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and shall be adhered to.

**Reason: To protect human health and the environment.
(Policy BE8, S.B.L.P.R.).**

- 19 Before development commences and notwithstanding the details submitted with the application, a detailed mitigation and monitoring strategy in respect of the Badgers and Badger sett(s) within the application site shall be submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. No demolition, site clearance or ground preparation works shall be carried out until a disturbance licence has been obtained from Natural England, the details of which shall be submitted to the Local Planning Authority.**

Reason: To ensure that any Badgers and Badger setts within the application site are safeguarded.

- 20 Before development commences and notwithstanding the details submitted with the application, a detailed mitigation and monitoring strategy in respect of the population of Slow Worms within the application site shall be submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. Such mitigation and monitoring strategy shall include provision of a reptile hibernacula, provision of enhanced foraging in garden habitats and use of a suitably qualified and experienced ecologist to undertake hand searches and advise on site clearance and ground preparation works.**

Reason: To ensure that any populations of Slow Worms within the application site are safeguarded.

- 21 Development shall not commence until a Site Waste Management Plan, indicating how opportunities for the reduction, recycling and re-use of waste during the construction and occupation phases of the development hereby permitted will be taken account of, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed development shall be carried out and completed in accordance with the approved Site Waste Management Plan.**

**Reason: In the interests of sustainable waste management.
(Policies W5 and W6, Bedfordshire and Luton Waste Local Plan).**

- 22 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

Heathmotorsskd 22122009a
09076 (D) 105 Revision A

Reason: For the avoidance of doubt.

Reasons for Granting

The developable area of the application site is excluded from the Green Belt and its redevelopment for residential purposes would increase the supply of housing locally and contribute to the Government's key housing objective to increase significantly the delivery of new homes. The proposed housing mix and density are commensurate with the requirements of the local housing market and the character of the surrounding area. The new development can be undertaken without undue adverse impacts on the existing boundary embankments and the trees growing on the tops of the embankments and on the protected species within the site. The proposal accords with relevant national, strategic and local planning policies.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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) Policies

SS1 - Achieving Sustainable Development.

SS4 - Towns other than Key Centres and Rural Areas.

SS7 - Green Belts.

H1 - Regional Housing Provision 2001 to 2021.

ENV3 - Biodiversity and Earth Heritage.

ENV7 - Quality in Built Environment

WM6 - Waste Management in Development.

Milton Keynes & South Midlands Sub-Regional Strategy

Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

Bedfordshire Structure Plan 2011

Policy 25 - Infrastructure.

South Bedfordshire Local Plan Review Policies

GB3 - Green Belt villages.

BE8 - Design and environmental considerations.

T10 - Controlling parking in new developments

H2 - Making provision for housing via 'fall-in' sites.

H3 - Meeting local housing needs.

E2 - Control of development on employment land outside Main Employment Areas (Category 2).

- 2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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.

DECISION

.....

.....