

**Item No. 8****SCHEDULE B**

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

**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 4(4).**

**Reason: To comply with Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.**

- 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 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.**

- 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 as amended by Section 51 of the Planning and Compulsory Purchase**

Act 2004.

- 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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 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 together with other trees growing beside the site 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 **Development shall not begin until details of the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.**

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

- 23 The access shall have a minimum width of 5.5m, kerb radii of 6m and a 2m footway/service margin either side of the access and shall be located in the position shown on the approved illustrative layout plan numbered 09076 (D) 105 Revision C.

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

- 24 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate pedestrian intervisibility splays to be provided at all vehicular access junctions within the site before the accesses are first brought into use. The triangular vision splays shall measure 2.8m along the back edge of the proposed footway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the proposed footway into the site along the centre line of the anticipated vehicle path. The vision splay 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 footway and the proposed accesses, and to make the accesses safe and convenient for the traffic that is likely to use them.

- 25 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m 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 access and to make the access safe and convenient for the traffic that is likely to use it.

- 26 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a scheme for residential parking of vehicles on the site in accordance with the Design in Central Bedfordshire A Guide for Development - Design Supplement 7 and no building shall be occupied until that provision has been made in accordance with the approved details.

REASON: To ensure provision of car parking clear of the highway and in the interest of the safety and convenience of road users.

- 27 Before the new 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.

- 28 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a vehicular turning area to accommodate a refuse collection size vehicle.

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

- 29 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a scheme for the parking of cycles on the site in accordance with the Central Bedfordshire Council's "Cycle Parking Guidance - July 2010". 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.

- 30 No demolition, excavation or construction or removal of trees or hedgerows shall be carried out on site between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive of any year unless otherwise approved in writing by the Local Planning Authority.

REASON: To safeguard breeding birds.

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

- CBC/001
- 09076 (D) 105 Revision C

REASON: To identify the approved plans and to avoid 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.

4. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk)
5. The applicant is advised that in order to comply with Condition 1 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, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Planning and Control Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
7. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Amphill Road, Bedford MK42 9BD.
8. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
9. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide to Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.
10. The applicant is advised that the closure of existing access shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Central Bedfordshire Council's Customer Contact Centre on 0300 300 8308. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access.

11. The applicant/developer is advised that in respect of Condition 23 above, the detailed layout plans to be submitted for approval of the reserved matters shall have regard to the shared space design concept in order to ensure that the proposed street is accessible to both pedestrians and vehicles and is designed to enable pedestrians to move freely by reducing traffic management features that tend to encourage users of vehicles to assume priority.
12. The applicant/developer is advised that the level and usable rear gardens for the proposed 4/5 bed dwellings, indicated on the detailed layout plans submitted for approval of the reserved matters, shall have an area of not less than 100m<sup>2</sup>, the level and usable rear gardens for the proposed 3 bed dwellings shall have an area of not less than 75m<sup>2</sup> and the level and usable rear gardens for the proposed 2 bed dwellings shall have an area of not less than 50m<sup>2</sup>.

## NOTES

- (1) In advance of the consideration of the application the Committee were advised of consultation received subsequent to the despatch of the agenda from the Highways Officer as set out in the Late Sheet appended to these minutes. As a result an amendment to the recommendation and amended conditions were suggested and approved.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.