

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

<b>APPLICATION NUMBER</b>	<b>CB/11/04135/OUT</b>
<b>LOCATION</b>	<b>Land off Kiln Way, Dunstable, Beds LU5 4GZ</b>
<b>PROPOSAL</b>	<b>Erection of eight dwellings, access road and associated works</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Icknield</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs McVicar &amp; Young</b>
<b>CASE OFFICER</b>	<b>Mr J Spurgeon</b>
<b>DATE REGISTERED</b>	<b>28 November 2011</b>
<b>EXPIRY DATE</b>	<b>23 January 2012</b>
<b>APPLICANT</b>	<b>Dunmore Developments Ltd</b>
<b>AGENT</b>	<b>R&amp;J Consultants Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Ward Member call-in on the basis of loss of amenity to a residential property in Jeansway.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Granted</b>

**Recommendation**

That the Director of Sustainable Communities be delegated authority to GRANT Planning Permission subject to the completion of a satisfactory legal undertaking (**to incorporate Option A with contributions from the Wildlife Trust £ 8,000.00 and Affordable housing £ 22,747.69**) and to the following conditions listed below

- 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**

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

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.**

**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.**

- 3 Before development begins, samples of the materials to be used for the external walls and roofs of all new 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 building/s.  
(Policies ENV7 RSS; BE8 S.B.L.P.R).**

- 4 Details of a screen fence scheme shall be submitted to and approved in writing by the Local Planning Authority and the screen fences as approved shall be erected before the development is first occupied or brought into use and thereafter retained.

Reason: To ensure that privacy is adequately maintained.  
(Policy BE8 S.B.L.P.R)

- 5 **No development shall take place until the applicant or developer has secured the implementation of a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.**

**Reason: To record and advance understanding of the significance of the heritage assets with archaeological interest in accordance with Policy HE12.3 of PPS5: *Planning for the historical environment*.  
(Policy ENV6 RSS)**

- 6 **No clearance of vegetation shall take place between the months of March and August (inclusive) of any year, except as may be thoroughly assessed by a suitably experienced ecologist not to be in use by nesting birds. No clearance of vegetation shall take place at any time unless a phased strimming programme under the supervision of a suitably qualified ecologist (to ensure that any reptiles present can be relocated into the vegetation surrounding the survey area) has been undertaken between the months of May to September (inclusive). No clearance of the site or commencement of development shall take place unless a suitably qualified ecologist is present to check for badger setts. Any excavations deeper than 1m shall be fenced at night in order to prevent access by badgers.**

**Reason: To safeguard nesting birds.  
(Policy: ENV3 RSS)**

- 7 **No infiltration of surface water drainage into the ground is 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 controlled waters. The development shall be carried out in accordance with the approved details.**

**Reason: To protect the quality of the groundwater in the Principal Chalk Aquifer directly beneath the site. Any drainage design must be protective of the groundwater and in line with the Environment Agency 'Groundwater Protection: policy and practice (GP3)' for the use of infiltration techniques to be approved.**

- 8 **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: Environment Agency condition. To prevent the pollution of controlled waters. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.**

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), (a) no rear or side extension shall be made to the houses approved by this permission, (b) no buildings exceeding a height of 2.5m from the lowest part of the adjacent ground level within the curtilage of any plot, and (c) no raised platform or patio within any rear garden which has a height of more than 0.3m above adjacent ground level (as assessed from approved drawing S1/09105) shall be erected or engineered without the grant of express planning permission of the Local Planning Authority.

Reason: Such structures, on rising ground and in some cases built up to the level of the main house, would add to any overdevelopment and oppressiveness of the development from the perspective of Jeansway properties.

- 10 Notwithstanding details indicated on drawing B11612/100 rev.B, before development commences on the bin/cycle store for any plot details shall be submitted to and approved in writing by the Local Planning Authority of the elevations, slab height and precise location of such building and the building shall be constructed in accordance therewith.

Reason: To safeguard the amenities of Jeansway properties to the north.

- 11 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all dwellings as is necessary to achieve as a minimum standard an internal noise level for bedrooms of 30dB(A)eq, 8hour (2300 - 0700h) and for living rooms of 35dB(A)eq, 16hour (0700 - 2300h). Any works which form part of the scheme approved by the Local Planning Authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to that Authority in writing before any permitted dwelling is occupied, unless an alternative period is approved in writing by that Authority.

Reason: To safeguard occupiers from any external noise from servicing nearby premises or the proposed Busway.

- 12 Prior to development, a Tree Protection Plan and Arboricultural Method Statement shall be submitted to the Local Planning Authority for approval, to be based on the findings of the Arboricultural Constraints Plan (Ref. D14 17 09), which forms part of Appendix 4 of the Arboricultural Impact Assessment supplied by JP Associates (Consultants) Ltd (Ref. 014 17 09 01) made in support of the application. The Tree Protection Plan and Arboricultural Method Statement shall clearly show the position and build specification of tree protection, to be erected along the edge of the calculated Root Protection Area. The protective 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 the BS 5837: 2005) and will be for the purpose of avoiding direct canopy and root damage and localised compaction of the rooting medium of the retained "off-site" tree T1 (as identified by the Tree Survey Plan), caused by plant and machinery.

Reason: To safeguard the integrity of the rooting medium, rooting system and existing canopy spread of tree T1 located "off-site" in neighbouring property, in the interests of maintaining the health and appearance of this boundary tree contributing to visual amenity and boundary screening.  
(Policies ENV7 RSS; BE8 SBLP).

- 13 **Development shall not begin until details of the junction between the proposed estate road and the existing 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.

- 14 Visibility splays shall be provided at all road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the side road from its junction with the channel to the through road and 25m measured from the centre line of the side road along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.

Reason: To provide adequate visibility at road junction in the interest of road safety.

- 15 **Development shall not begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**

Reason: To ensure that the proposed road works are constructed to an adequate standard.

- 16 No dwelling shall be occupied until all triangular vision splays are provided on each side of all accesses on to the new road and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described 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 proposed highway and accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

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

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

- 18 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 19 If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.

Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.

- 20 No development shall commence until a wheel cleaning facility has been provided at the site exit in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 21 **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.

- 22 **Development shall not begin until the detailed plans of the proposed highway lighting, using light emitting diodes (LED) within the development has been approved by the Local Planning Authority and no building shall be occupied until that lighting has been installed in accordance with the approved details.**

Reason: To ensure that the proposed highways are adequately lit.

- 23 **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off street parking during construction in the interests of road safety.

- 24 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, Drawing No's S1/09105; B11612/100C, 101, 102, 103A, 104A, 105A; M4382 P 018 plus the Design and Access Statement or to any subsequent appropriately endorsed revised plan.

Reason: To identify the approved drawings and Design and Access Statement and to avoid doubt.

### **Reasons for Granting**

The site is allocated in the South Bedfordshire Local Plan for residential development (Policy H1) and a Development Brief has been approved. This scheme would comprise phase 2 of the allocation, phase 1 being occupied and phase 3 remaining. The principal of residential development is thus established. The scheme complies with key components of the Brief, particularly in respect of layout and the provision of 2-storey housing. The density of the scheme has been reduced to reflect the development challenges of the site, and the concerns with design which failed the earlier scheme have been addressed. Most rear gardens have been lengthened, the houses are of lower than usual height, the slab levels are as low as the site can allow and there are gaps between the buildings. It is considered that the submission has done as much as possible within the Brief parameters to safeguard privacy and residential amenity. Part of the concern from residents addresses the loss of a view which, although particularly attractive, is not fundamentally a planning consideration. This approach to the proposal is considered to be in line with that of the planning Inspector who determined the recent appeal on this site and who stated that some effect on outlook and privacy would be inevitable. The application provides a financial contribution towards affordable housing, which had been absent in previous schemes.

## Notes to Applicant

1. 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).
2. 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:

### **East of England Plan (May 2008)**

SS2 Overall spatial strategy  
SS3 Key centres for development and change  
T1 Regional transport strategy objectives and outcomes  
T2 Changing travel behaviour  
T4 Urban transport  
T8 Local roads  
T9 Walking, cycling and other non-motorised transport  
T13 Public transport accessibility  
T14 Parking  
ENV2 Landscape conservation  
ENV3 Biodiversity and earth heritage  
ENV7 Quality in the built environment  
WM Waste management in development

### **Bedfordshire Structure Plan 2011**

Policy 25 Infrastructure.

### **South Bedfordshire Local Plan Review**

BE8 Design and environmental considerations  
H1 Provision for housing  
H3 Local housing needs  
T4 Public transport along the former railway line  
T10 Parking  
T11 Contributions - alternatives to parking  
R10 Play area standards  
R11 New urban open space.

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 to refer to the comments made by the Environment Agency to this application (ref: AC/2012/116096/01-L01, in its letters dated 11/1/12 and 24/01/12, sent from the Huntingdon office) in which informatives are set out. Such letter may be inspected on the Council's website within the documentation relating to this application.
5. The Local Planning Authority should be notified in writing of any unexpected contamination discovered during works. The British Standard for Topsoil, BS 3882:2007 specifies requirements for topsoils that are moved or traded and should be adhered to. Contact: Andre Douglas, Public Protection Officer, Central Bedfordshire Council, 0300 300 8000.
6. Consent has being granted in recognition that no underground services are scheduled to be routed through the Root Protection Areas of the retained "off-site" tree T1 (as identified by the Tree Survey Plan). If any services are subsequently required to be routed through the designated area protected under the Tree Protection Plan, then this work shall be carried out in full accordance with the National Joint Utilities Group (NJUG) Volume 4 "Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees". Contact: Tree and Landscape Officer, Central Bedfordshire Council.
7. Further to condition 1, the landscaping scheme to be submitted should show the species, sizes, position and planting specification of new trees, shrubs, climbers and hedging, to be planted during the planting season following completion of development. During each subsequent August for the first five years following initial planting, any losses of plants should be checked and recorded and losses be replaced using the same species, planting size and planting specification in the following growing season (a growing season shall be deemed to be between 1st November to 31st March). Contact: Tree and Landscape Officer, Central Bedfordshire Council.
8. The following recommendations of the Extended Phase 1 Habitat survey should be noted:
  - care to avoid works which may have a negative impact on the Dunstable to Luton disused railway CWS
  - all excavations over 1m in depth should be fenced overnight to prevent fatal access by badgers
  - undertake a Japanese knotweed survey and carry out appropriate remedial worksbefore the site is cleared but within the months of May to September to undertake a phased strimming programme to the semi-improved grassland in the centre of the site, under the supervision of a suitably qualified ecologist, to enable relocation of reptiles.
9. 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 Central Bedfordshire Council's Highway Help Desk, P.O. Box 1395, Bedford MK42 5AN.



- 10 The applicant is advised that if it is the intention to request the 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's Highway Help Desk, P.O. Box 1395, Bedford, MK42 5AN. 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.
- 11 The applicant is advised that in order to comply with Condition 17 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Planning and Control Group, P.O. Box 1395, Bedford, MK42 5AN.
- 12 All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire (Design Supplement 7 – Movement, Street and Places" and the Department of the Environment / Department of Transport's "Manual for Street", or any amendment thereto.

## NOTES

- (1) In advance of the consideration of the application the Committee were advised of consultation and publicity responses from the Highway Officer and Environment Agency. There were amendments to the Conditions. In addition the Committee were advised of a choice of 2 financial contribution options as set out in the Late Sheet and subsequently invited to vote upon their preferred option.