

Item No. 9

APPLICATION NUMBER	CB/12/00751/RM
LOCATION	Site 15C, Pratts Quarry, Billington Road, Leighton Buzzard
PROPOSAL	Reserved Matters: Access, appearance, landscaping, layout and scale relating to the erection of 55 dwellings, creation of a new vehicular access and public open space on part of Site 15C - pursuant to outline planning permission SB/OUT/06/00869.
PARISH	Leighton-Linslade
WARD	Leighton Buzzard South
WARD COUNCILLORS	Cllrs Berry, Bowater & Dodwell
CASE OFFICER	Gill Claxton
DATE REGISTERED	02 March 2012
EXPIRY DATE	01 June 2012
APPLICANT	Charles Church Homes
AGENT	Woods Hardwick Ltd
REASON FOR COMMITTEE TO DETERMINE	Town Council objection to major application
RECOMMENDED DECISION	Reserved Matters - Granted

Recommendation

That the application be delegated to the Head of Development Management, in consultation with the Chairman and Vice Chairman of the Committee, Executive Member for Sustainable Communities Strategic Planning & Economic Development and Ward Representative(s) to determine the application.

- 1 No part of the development hereby approved shall be commenced until a scheme for footpaths/cycleways directly connecting the site to Billington Road is submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be provided in accordance with the approved details prior to the commencement of the construction of the adjoining dwelling units, as agreed in the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interest of providing suitable pedestrian/cycle links and permeability for pedestrians and cyclists.

- 2 Before development begins, a landscaping masterplan and scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate**

part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

**Reason: To ensure a satisfactory standard of landscaping.
(Policy BE8, S.B.L.P.R).**

- 3 All windows at first level and above on the flank elevations of plots 7, 8, 18, the south west elevation of plot 3, the west elevation of plot 38 and the north elevation of plots 43-48 shall be permanently glazed with obscured glass and fixed shut to a height of 1.7m above floor level.

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

- 4 **Development shall not begin until details of the junction between the proposed estate roads 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 roads.

- 5 All triangular vision splays shall be provided on each side of all the accesses on to the new roads. The triangular vision splays shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of that plot, and 1.8m measured into the plot at right angles to the same line along the side of the 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/verge level.

Reason: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

- 6 All proposed vehicular accesses shall be surfaced in bituminous or other similar durable material as may be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 7 Visibility splays shall be provided at the junctions of the new roads. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the minor road from its junction with the channel of the through road and 25m measured from the centre line of the

access along the line of the channel of the carriageways of the through road. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason: To provide adequate visibility within the new development to make the new road and accesses safe and convenient for the traffic which is likely to use them.

- 8 **Before development begins, a scheme of Traffic Regulation Orders and parking restrictions on the proposed roads shall be submitted to and approved by the Highway Authority. None of the residential units hereby permitted shall be occupied until that scheme has been implemented in accordance with the approved details.**

Reason: To manage on-street parking and thereby safeguarding the interest of the safety and convenience of road users.

- 9 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.

- 10 If the proposed internal estate roads are 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.

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

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

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

- 12 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 13 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 alterations to any carports hereby permitted, including the insertion of a garage door, roller shutter or gate,

shall be carried out without the grant of further specific permission from the Local Planning Authority.

Reason: To control the external appearance of the building in the interests of the highway safety of the area.

- 14 The footway network within the site shall be constructed in accordance with details of the approved drawing/or scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.

Reason: In the interests of road safety and pedestrian movement.

- 15 **Notwithstanding the submitted details, 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.

- 16 No dwelling shall be occupied until the works and landscaping required under Condition 18 of planning permission SB/OUT/06/0869 have been completed, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of the area and ensure a safe and satisfactory form of development.
(Policy BE8, S.B.L.P.R).

- 17 **Before development begins details of the bin storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.**

Reason: In the interest of amenity.

- 18 **Before development begins details showing how the development will achieve Eco Homes 'Excellent' and 'Very Good' Standard shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.**

Reason: In the interests of environmental sustainability.

- 19 **Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.

- 20 **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.

- 21 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 16461/300, 16461/301, 16461/302, 16461/304, 16461/305, 16461/306, 16461/307, 16461/308, 16461/308, 16461/310, 16461/311, 16461/313, 16461/314, 16461/315, 16461/316, 16461/317, 16461/318, 16461/319, 16461/320, 16461/321, 16461/322, 16461/323, 16461/1025, 16461/1026, 16461/1027.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development would provide an appropriate urban design to the locality incorporating adequate landscaping, road, cycle and footpath layout, parking, play areas and residential mix such that the development would conform with the parameter plans of the outline permission and the development plan policies comprising the East of England Plan (May 2008), the Milton Keynes & South Midlands Sub-Regional Strategy, the Bedfordshire Structure Plan 2011, the South Bedfordshire Local Plan Review and the Bedfordshire & Luton Waste Local Plan 2005, and national advice contained in the National Planning Policy Framework.

Notes to Applicant

1. The development is subject to an Agreement, dated 11 July 2007, under Section 106 of the Town and Country Planning Act 1990. The applicant's attention is in particular drawn to the Tenth Schedule of the Agreement which relates to obligations in respect of the parameter plans and "pylon" land. Reference is made to Section 3 of this Schedule and the requirement for the submission, approval and implementation of a scheme for landscaping, laying out, access and maintenance of the "pylon" land, prior to the implementation of the planning permission.
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

Development Plan comprising of the East of England Plan (May 2008), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review.

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. If potential site contamination is found in connection with Condition 11 on outline planning permission SB/OUT/06/00869, the following should be noted:
 - Where remedial measures are necessary, they should be managed with Part IIA of the Environmental Protection Act 1990 in mind. Encapsulation of any contaminants should be made on the risk-based assessment so that they are unlikely to be subject to future release to the environment.
 - All ground investigations shall be risk based and have regard to BS10175:2001 *Investigation of Potentially Contaminated Sites - Code of Practice* and *Environment Agency/NHBC R&D Publication 66 - Guidance for the Safe Development of Housing on Land Affected by Contamination*.
 - Where analyses are undertaken analytical laboratories should be accredited to MCERTS and where appropriate laboratory methods should also be accredited to MCERTS.
 - The applicants/agent's consulting engineers shall certify that decontamination and remediation of the site has been undertaken in accordance with any measures approved by the Local Planning Authority.
 - The applicant shall advise the Local Planning Authority of commencement of the works.
 - The applicant should also be made aware that the ownership of land shown to be contaminated may accrue legal and financial liabilities under Part IIA of the Environmental Protection Act 1990. Such liabilities are maximised when "pollutant linkages" engender "pathways" for the contaminants to reach "receptors".
 - Central Bedfordshire Council has published its Contaminated Land Inspection Strategy in line with the Environmental Protection Act 1990: Part IIA and its definition thereof. No land has yet been formally designated as being 'contaminated'. However, it should not be taken to imply that the property or adjoining land is free from contamination.
5. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire

Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Highways, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ, quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

6. The 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, P.O. Box 1395, Bedford, MK42 5AN.
7. 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.
8. 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.
9. The applicant is reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately.
10. Contractors shall employ the "best practicable means" as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from their operations and shall have regard to British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites. Normal working hours are 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday and no working on Sunday, Bank Holidays and Public Holidays.

NOTE

(1) In advance of the consideration of the application the Committee were advised of additional comments relating to a revised plan. Comments had been received from the Urban Design Consultant, Leisure Services- Recreation open Space, Leighton Buzzard Allotment Association.