

## **Item No. 6**

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| <b>APPLICATION NUMBER</b>                | <b>CB/10/03478/OUT</b>   |
| <b>LOCATION</b>                          | <b>Land adjoining Dunstable Road and to the rear of My Folly and the Scout Hut, Dunstable Road, Caddington</b>                                   |
| <b>PROPOSAL</b>                          | <b>Outline application for 50 dwellings, with access off Dunstable Road (revised application CB/09/06146/OUT)</b>                                |
| <b>PARISH</b>                            | <b>Caddington</b>  |
| <b>WARD</b>                              | <b>Caddington</b>  |
| <b>WARD COUNCILLORS</b>                  | <b>Cllrs Mrs Gammons &amp; Stay</b>  |
| <b>CASE OFFICER</b>                      | <b>Mr J Spurgeon</b>   |
| <b>DATE REGISTERED</b>                   | <b>21 September 2010</b>   |
| <b>EXPIRY DATE</b>                       | <b>21 December 2010</b>  |
| <b>APPLICANT</b>                         | <b>Woodstock Estates Ltd</b>   |
| <b>AGENT</b>                             | <b>Barrett Lloyd Davis Associates Ltd</b>  |
| <b>REASON FOR COMMITTEE TO DETERMINE</b> | <b>Ward Member requested referral to Committee and Parish Council representation has not been resolved to date of report (Major Application)</b> |
| <b>RECOMMENDED DECISION</b>              | <b>Outline Application - Granted</b>   |

### **Site Location:**

This 1.4 ha rectangular site comprises the site of a former dwellinghouse, a scout hut, a large area of overgrown land (with some significant trees) and a small piece of the large field to the north-west, and has a 148m frontage to Dunstable Road immediately west of the allotments. The large field is within the Green Belt. The lie of the land locally falls gently from east to west but a seasonal pond central in the site, sitting in its own basin about 8m lower than the north-east corner of the site, cuts into higher land towards the east. The roadside vegetation more closely resembles a hedgerow in front of the scout hut and westwards. A public footpath FP9 runs just inside the north-east boundary and is separated from the pond by a steep sided tongue of higher land, before passing into a large field (which is rapidly being colonised by birch and oak). Seven of the trees adjacent to this footpath are protected. To the north-east are active or former allotments (the active ones managed by the Parish Council), and on the opposite side of Dunstable Road are frontaging dwellings with housing estates behind.

A very short section of road has been constructed into the site near the footpath, being part of the 1996 planning permission. Otherwise this side of Dunstable Road has no footway, being grass verge with a defined hedgerow or scrub edge behind. The scout hut, still in use, is a simple brick ridge-roof structure with an adjacent car park. More recently much of the undergrowth and most of the smaller trees within the site have been cleared to enable surveying and exploration.

## **The Application:**

It is proposed to retain the scout hut and the develop the site with 50 dwellings, including 19 affordable units (38%), using an upgraded version of the existing point of access. All matters except access are reserved. An indicative layout is provided together with parameters of scale (the size and location of 2/3 storey buildings). A description of the layout and indicative accommodation is given in section 5 below. Average density would be 36 dwellings/ha. (see section 4).

The application is accompanied by:

- Design and Access Statement,
- Archaeological evaluation,
- Phase 1 Geotechnical/Contaminated land assessment,
- Arboricultural impact appraisal and method statement,
- Ecology appraisal,
- Flood risk/ foul and surface water assessment, with Addendum,
- Transport assessment and Stage 1 Road Safety audit,
- Noise impact assessment.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (March 2012)**

4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting Green Belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment.
12. Conserving and enhancing the historic environment.

### **Regional Spatial Strategy - East of England Plan (May 2008)**

- H1 Regional Housing provision 2001-2021
- H2 Affordable housing
- T2 Changing travel behaviour
- T8 Local roads
- T9 Walking, cycling and other non-motorised transport
- T14 Parking
- ENV3 Biodiversity and earth heritage
- ENV7 Quality in the built environment
- ENG1 Carbon dioxide emissions and energy performance.

### **Milton Keynes and South Midlands Sub-regional Strategy (March 2005)**

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

- BE8 Design Considerations
- H1 Provision for Housing
- H3 Local Housing Needs
- H4 Affordable Housing
- R8 Urban Open Space - Caddington
- R10 Play Area Standards
- R11 New Urban Open Space

**Draft Luton and Southern Bedfordshire Joint Committee Core Strategy: Pre Submission 2011 - 2026 (November 2010 as amended)**

CS3 Developer contributions for infrastructure

CS5 Linking places

CS6 Housing for all needs

CS7 Increasing access to quality social and community infrastructure

CS8 Quality of design

CS11 Resource efficiency

CS12 Adapting to and mitigating flood risk.

**Supplementary Planning Guidance**

Design in Central Bedfordshire

CBC Planning Obligations for southern Bedfordshire SPD

**Planning History**

|                 |   |
|-----------------|---|
| SB/TP/96/0745   | Use of land for allotment purposes with access and parking (duplicate application) [large field west of site and strip of land within north-east boundary of site]. |
| SB/TP/02/1038   | Application disposed of - Residential development (outline) [land to north-east of site].   |
| CB/09/06146/OUT | Withdrawn - Erection of 54 dwellings with access of Dunstable Road (outline) [extended slightly further north-west].  |
| CB/10/04245/SCN | Screening opinion - EIA not required.   |
| CB/10/04594/OUT | Erection of residential development - outline (approx 25 dwellings) [former allotment land to east] - application pending.  |

**Representations:  
(Parish & Neighbours)**

Parish Council  
(29/10/10, 22/11/10,  
18/10/11, 26/6/12)

The Parish Council has written on 4 occasions, the final one addressing the amended FRA.

**Main issues:**

- No objection to the principle of developing the site;
- A public meeting was held on 15/9/11 where the public were overwhelmingly in favour of the following three responses -
  - proposed access road is ill-sited and a junction opposite Mossman Drive is much preferred,
  - relocation of the scout hut onto R8 land would be an acceptable recreational use of the R8 land (and preferable to leaving the existing hut surrounded by the new development),
  - proposals on prevention of flooding issues were accepted.
- Highway comments - Recognise that a technical case can be made for re-use of existing access with better splays and sight lines. But the authorities are not

listening to local opinions and concerns. This access would still be dangerous on a bend. Some sort of compromise should be reached. Suggest upgrading the existing scout hut junction to form a crossroads with Mossman Drive possibly with local traffic control. They appreciate that this would only be viable if agreement is reached to relocate the scouts but would like it considered as long as it remains a possibility.

- Scout group/hut - As a recreational organisation their occupation of R8 land would be appropriate and is supported by the Ward councillors. The scouts would only give up their site if a suitable replacement was offered - this is a matter between them and the applicants although arbitration may help if needed. Request a 30m buffer zone between their new site and the development boundary to avoid future nuisance. Noise assessment did not consider comings and goings, conversations and outdoor activities, and was taken when outdoor activities were less likely.

#### June 2012 response to Drainage Revision 1

[This proposed a stepped swale to take all of the water from the allotments and land to the north. Road water overflow from the basin would join the swale].

These proposals raise more questions than answers. Key questions-

- if the detention basin is used when flooding occurs, what then happens to the road water?
- why is the main pond left with no water ingress at all? (suggests roof water)
- what maintenance is proposed, by whom and with what funding? (highways department do not maintain existing flood system)
- where has the proposed swale and dam system worked elsewhere, and is it in an area of high water table?
- have plants been considered to slow down water in the swales?

There is an over-reliance on theoretical modelling (with no actual flow figures), which should be complemented by site visits after heavy rain and local consultation (which can identify high risk areas). Reassurances should be given that the swale would not simply deliver water to the Mancroft Road area.

The PC now realises the value to the local community of the R8 land which may even be required for allotments in the future. The engineering solution would conflict with its recreational policy position. Indeed these works could be contrary to Green Belt openness. Furthermore, this land may be included in future local growth plans.

To transfer water from land which seems to hold most of its water to a system which is at capacity and floods twice

a year would benefit from further consultation and consideration: there is little margin for error on Mancroft Road.

The other application fronting Dunstable Road will also have issues and it may be time to say 'no' to future development to the Dunstable side of Caddington.

#### July 2012 response to Drainage Final revision

Comments of the Parish Council will be reported at the meeting.

#### Neighbours

Dunstable Road nos. 25 (20/10/10), 27 (18/10/10, 10/10/11), 29 (18/10/10, 10/10/11), 33 (18/10/10); 35 (16/10/10, 6/10/11), 51 (6/10/10);  
Folly Lane no.9 (28/10/10);  
Mossman Drive no.23 (recd 18/10/10);  
Email address only (14/10/10)

- Objections:

- Should not be developed - use brownfield land,
- Strain on drainage system (water pressure fractured gas main in 2009),
- Existing ground water from north-west uses ditch to cross path and reach pond; ditch needs maintenance and investigation,
- Flood Risk Assessment fails to recognise that the pond and site 'holds' water and provides some natural drainage,
- Dunstable Road already overloaded with unsuitable parking practices and occasional queues impeding access from Mossman Drive and private drives, and subject to speeding traffic, making access to new drives and road hazardous; some favour new access opposite Mossman Drive,
- Questions the methodology of transport assessment,
- Emerging vehicles would not be able to accelerate to road speed safely, noise from vehicles accelerating from junction and new pedestrian crossing and beeping of crossing control,
- Pavement to Dunstable Road too narrow and a danger for disabled and for wheelchairs,
- Access onto blind bend with an accident record including collisions with parked vehicles,
- Indicative access to other site should be deleted,
- Proposed crossing point (whether lights or flashing beacons) would affect residential amenity,
- Noise, pollution and parking obstruction from building operations,
- Headlights would shine into houses opposite,
- Should contribute to alleviating existing surface water inadequacies on highway,
- Disturbing asbestos on site would pose risk for

- residents,
- Flats close to Dunstable Road not in character with village and will spoil view,
  - Access to pond for wildlife important,
  - No provision for general village infrastructure,
  - Will increase crime and anti-social behaviour,
  - Very disappointed that developers have not worked with community in revision.
  - (One letter) Accepts the need for the scheme but access road in a highly dangerous place with little visibility and high speeds.

Renotification has taken place following receipt of the drainage final revision and any response will be reported at the meeting.

### **Consultations/Publicity responses**

Environment Agency  
(18/10/10, 13/10/11,  
18/5/12)

Flood risk - Proposal would only be acceptable if the following measures are implemented and secured by condition:

- limiting surface water runoff in accordance with FRA
- on-site discharges of surface water should not exceed greenfield runoff rate and not increase the risk of flooding offsite
- design of the sustainable surface water drainage system to be based on principles in FRA
- provision of future maintenance of the SUDs as in FRA.

Groundwater and contaminated land - Requires conditions including no infiltration of surface water drainage.

Environmental Health  
Officer (23/12/10,  
17/10/11, 12/1/12)

Suggests condition for dwellings to have sound proofing against external noise. Ideally, scout hut noise levels should have been recorded in the summer months while outdoor activities were underway, but time constraints made this impracticable. Indoor meeting noise will not be an issue with this condition. Arrivals and departures should not give rise to justifiable complaint as it would be a reasonable activity in itself, as would some use of external areas for scout activity provided it was not excessive or late at night. The position of the building will help attenuate noise from new residents - there is no record of complaints from houses opposite.  
Recommends condition for submission of contamination assessment.

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| Archaeology officer<br>(19/10/10)                                       | Site lies within a known prehistoric archaeological landscape and includes heritage assets of local and national importance. However, trial trenching demonstrates that there are few surviving features below ground and a 'watching brief' would be unnecessary.   |
| Tree and Landscape<br>Officer (20/10/10,<br>3/11/10)                    | Object on the grounds that construction of the proposed swale would cause significant damage to the root system of 6 protected trees. Layout would also result in loss of many unprotected trees, Although the inevitability of some loss is recognised on a housing site and the assessment has been carefully undertaken, 'wrong' trees have been felled and lesser trees retained. There is a general sense that the layout does not respond to the retained trees by giving problems of light and growth for the future. Plot 20 should be deleted. There will need to be conditions to monitor compliance with precautions. Bank between footpath and pond could be removed if required without damage to protected trees, but method statement needed and great care from equipment.   |
| Natural England<br>(29/11/10)   | Further great crested newt surveys are recommended. There is some doubt that the pond could continue to provide suitable habitat for newts and a new aquatic habitat outside the site may be required. A condition pointing out this possibility should be adequate. Some monitoring should be made (such as hand searching prior to development) for reptiles. Bat appraisal should be extended to scout building. Roost features in buildings are better than boxes, which can be vandalised. No surveys needed for birds provided basic precautions are carried out.  |
| Ecologist (23/11/10,<br>25/11/10, 5/10/11,<br>2/11/11, 21/6/12, 2/7/12) | <p><u>Initial submission</u></p> <p>Supports habitat creation and enhancement on adjoining land but layout renders on-site habitats as little more than landscaping features rather than ecological resources, with the linkage ineffective through manicured lawns. Disappointed that the amendments do little to address this and at least the north-east link should be enhanced by incorporating grasscrete parking spaces and the ground cover should be maintained as long as possible. Additionally, the removal of a number of trees makes the retention of the remaining mature trees even more important, and the proposals do not appear to address their value adequately. Agrees that newt surveys could be subject to condition together with mitigation strategy if they are found. Conditions also recommended for avoiding bird nesting season and for bird and bat boxes. Recommends surveys of on-site trees for bat roosting opportunities if more are to be removed and of the scout building if it is to be removed.</p> |

### Drainage revision 2

Satisfied with this amendment. From an ecological perspective, would prefer to see a swale rather than a pipe to get water from the basin towards Mancroft Road as this would allow for more habitat opportunities. The suggestion of a maintained green corridor from the pond in the direction of the allotments is welcomed and a boardwalk over any damp/wet areas would work well and fully supports this solution.

Landscape Officer  
(17/11/10)

Has concerns with proposal:

- Site and surrounds form important buffer to the AONB which contributes to its setting. Any built form should be mitigated so as not to be detrimental. Additional woodland planting should be provided to NW and W extending as far as the farm track and this would also mitigate noise and movement.
- The Luton and South Bedfordshire Green Infrastructure Plan identifies this area for landscape and biodiversity enhancement. The quality of amenity of the FP and views from the Bridleway must be safeguarded. The pond would assist biodiversity but the 'link' is highly compromised - adequate space should be included for habitats and links.
- A number of remaining trees are shown within parking or access surfaces and their future is of real concern. Little additional structural planting is indicated to soften especially the 3-storey buildings and to provide cooling and shade. Layout needs reconsidering.
- Loss of trees and hedgerows to the SE will open up views of drives, parked vehicles, and the rural edge character. Views of the backs of development would not be appropriate or acceptable. 3-storey units at this interface would also be out of character and highly visible without significant tree planting and hedgerows.

CBC Drainage Officer  
(19/10/10, 6/10/11,  
26/6/12)

### Further revision 2:

The principle of the design is now to mimic existing characteristics of the drainage.

Any overland flows that currently flow into the site from adjacent fields and the allotments will continue to do so although there may need to be some formal method of capturing these flows rather than allowing them to flow across the surface as happens now. These overland flows will fill the pond and be allowed to drain away through the bottom of the pond, again as happens now. The pond could also be deepened slightly to remove any build up sediment or increased in size if the development allows. The maximum level of the pond should be the



same as existing and an overflow should be positioned at this level to prevent overtopping.

The overflow from the pond will feed into an offsite attenuation pond on the R8 land which will also take highway water. Although the attenuation pond will be designed to take highway water up to a 1 in 100 yr event + 30% climate change, it will have a dual function taking highway water and any overflow water from the natural pond.

The roof water will continue to go to a bored soakaway.

The discharge from the attenuation pond will be set as low as possible, hopefully even lower than the currently proposed 5 l/s. Oversized pipes could also be used from the attenuation pond to the outfall to provide additional storage and to hold back flows until the peak flows have passed in Mancroft Road. The attenuation pond will have a permeable bottom to allow some water to drain away naturally across the R8 land as currently happens when the existing pond overflows.

The drainage system, including the natural pond, the borehole and the attenuation pond will need to be adequately maintained. New legislation is being introduced in 2013 which will require Local Authorities to automatically adopt such drainage systems with funding for maintenance being provided directly from Defra. There may be a possibility of the Council voluntarily adopting surface water drainage systems before the introduction of the new legislation but the developer may need to provide a commuted sum payment.

Thames Water (3/10/11,  
13/10/11, 15/5/12)

Waste water: An inability to accommodate the waste water needs of the application is identified. Should the LPA be minded to approve the application a Grampian condition is recommended: "Development shall not commence until a drainage strategy detailing any on and/or offsite drainage works has been submitted to and approved by the LPA in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed."

Surface water: It is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final

manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from TW will be required.

There are no surface water sewers adjacent to the site and the adjacent foul sewers are small. The proposed foul discharges are considered acceptable but any further discharges proposed from surface water runoff are not considered acceptable from a capability viewpoint.

Highways Officer  
(5/12/11, 29/12/11)

- The proposed type of junction would operate satisfactorily with minimal delays to through traffic,
- Because of excessive speeds on Dunstable Road longer visibility splays than those shown are required,
- If the Scout Hut is to be retained appropriate levels of visibility should be sought (similar to the new access),
- A developer contribution of £20,000 should be sought towards traffic calming (notwithstanding the above splays),
- A 2m wide footway should be provided across the site frontage and extending to the proposed pedestrian crossing (officer satisfied that this can be achievable within highway north of site),
- The above requirements would then make the access acceptable.
- Internal road layout: 100 rather than 76 off-street spaces should be provided; some spaces are inconvenient or not overlooked, making parking on-street more likely; a suitable turning area should be provided within 20m of the end of the road.
- Recommends conditions and a developer contribution of £19,000 towards Safe Routes to Schools linkages.
- Comments on objector's letter covering 'technical' highway matters; concerns about access to retained Scout Hut would be addressed by imposing new visibility splays; concerns about traffic survey are not considered such as would invalidate results - furthermore, proposed conditions allow for and address excessive speeds; concerns on existing highway drainage have been noted - the proposed new footway would be fully kerbed; other visibility issues would be addressed by proposed conditions.

Open Space Officer  
(20/10/10, 1/6/12)

Requirement for formal and informal open space and play area. Contribution towards the former acceptable. Incidental open spaces, especially near to the pond, would not be suitable and an additional contribution towards the latter type, including indoor facilities would be acceptable.

Rights of Way Officer  
(20/10/10, 24/1/11,  
31/1/11)

Plan shows a meandering footpath line rather than the definitive straight line. Welcomes pedestrian crossing, dual frontage of flats (for surveillance) and proposed widening and surfacing of path, but this should be in a corridor of minimum width 4m. This was usefully set out in the S106 for Rushmore Close. Details needed of surfacing, fencing, devices to prevent vehicles straying onto path, swale, and maintenance of path through northern buffer. Tree protection barriers must not obstruct path. Good visibility essential at mouth of path. Seeks maintenance contribution through the Countryside contribution.

Education Officer  
(12/10/10, 30/5/12)

Requires contribution at Early years level.

Caddington Scout Group  
(23/11/10, 25/1/12)

Initial Objection:

Full implementation would lose valued local community facility; partial implementation would likely compromise use of the facility. Earlier dialogue with scouts has not been followed up prior to this resubmission. Specific matters:

- Design and Access Statement (DAS) does not explain landscaping principles,
- the great crested newt survey was outside the optimal period and proposed GC Newt surveys cannot be obtained through condition,
- assuming that final development follows the illustrative layout the DAS provides inadequate vegetation to mitigate noise from the scout building,
- residential development would be unacceptably close to the building which is very actively used throughout the week, there would be amenity issues which could curtail use of the building,
- bat, bird and invertebrate surveys should be undertaken as conditions on-site are suitable for them,
- layout does not respond sympathetically to trees,
- ecological role for pond would be compromised by receiving road drainage; uncertain future maintenance,
- inadequate knowledge of operation of swales;
- highway splays not within applicant's control and could be obstructed,
- too many access points where vehicles could reverse onto Dunstable Road,
- TA out of date,
- consider that the proposal constitutes EIA Development,
- scout group would be an unwilling party to any S106 agreement involving its land and the full proposal could not be implemented.

January 2012 update:

An initial offer for the Scout land by the applicant has not been reviewed since the Scouts had expressed their concerns about the offer. Indeed, the Scouts are concerned with the lack of communication. The Scout group is thriving with substantially increased numbers in the last year and a waiting list in some sections. This lack of communication makes it difficult to plan for the future.

Police ALO (2/12/10)      No objections or comments.

## Determining Issues

The main considerations of the application are;

1. Designated housing site status
2. Archaeology
3. Trees and other natural history interest
4. Capacity of site
5. Design
6. Open space and Green Belt
7. Access and sustainable travel
8. Flood risk
9. Other matters and NPPF policy.
10. Conditions and Planning obligations

## Considerations

### 1. Designated housing site status

The South Bedfordshire Local Plan Review 2004 contains significant policy input which remains relevant notwithstanding the NPPF. It allocates the main part of this site (apart from the land taken from the field to the north-west) for housing purposes. The designation also extends outside the site to a strip of former allotment land to the north-east which lies between the active allotments and Dunstable Road/ bungalows facing it. A planning application for up to 25 dwellings has subsequently been submitted on this land and is still current. Under saved Policy H1 the net 2.16ha of both sites has an indicative capacity of 80 dwellings. It is described as *"a white land site in a village excluded from the Green Belt in the 1987 Structure Plan. The site is well related to village facilities and services. The reduction in the net area reflects the intention to retain that part of the site owned by the Parish Council for community recreation purposes and allotment use. A development brief will be prepared for the site to guide development proposals. Planning permission will not be granted for proposals which are submitted in advance of the Brief or which do not conform to it. The site is suitable for a medium density scheme accommodating not less than 80 dwellings. Contributions will also be sought towards the implementation of recreational/leisure facilities in the area. The development will need to incorporate measures to limit the volume or rate of surface water discharge in order to avoid exacerbating local flooding problems."*

The remainder of the current application site is taken from a large field to the west and which appears on the Local Plan as Green Belt and proposed open space (Policy R8) where it is described as "*urban open space to meet the recreational needs of the village and residents of the new housing area*". The facilities proposed by this policy to be provided would be allotment gardens and playing pitches with changing facilities and/or informal open space.

Apart, of course, from the introduction of the NPPF, two matters in particular have changed since the above Local Plan extracts were written and adopted.

- The Parish Council has reduced its interest in the R8 land and in the permission to provide replacement allotments on it;
- South Bedfordshire District Council had subsequently agreed to determine a planning application on the remaining residential allocation despite the lack of a Development Brief - the modern Design and Access Statement covers much the same ground as a Development Brief.

The main part of the application site is therefore appropriate for residential development and associated open space, being in accordance with the Development Plan. Indeed, in view of its expected delivery by 2006 the development is long overdue in Caddington.

The Green Belt status of the additional land, which is taken from the field to the north-west, (no housing is proposed on this land) is considered in section 6 below.

## **2. Archaeology**

The fact that the number of Palaeolithic sites around Caddington is exceptional, representing a national and internationally important resource, led to a requirement to provide an Archaeological evaluation. However, this did not reveal archaeological features although prehistoric worked flints were recovered. This does not constitute an overriding constraint to residential development and no further investigation is required.

## **3. Trees and other natural history interest**

The site does not have official natural history designation.

Most of the former scrub has been cleared within the main site leaving groups of mature trees, mainly oak, south and south-west of the pond and in the south-west corner. The belt of protected oak trees lies on the north-east boundary. The arboricultural survey and recommendations are not fully consistent, with some trees shown in their wrong position and others shown to be kept are already removed. Therefore the indicative layout has not been designed so as to make best use of the trees remaining. The mature trees behind the scout hut clearly appear not to have been taken into account in the layout and only one of 7 significant trees are saved.

It is accepted that, even to obtain the minimum density set out in Policy H1, some mature trees would likely need to go but further loss will inevitably impact long distance views into the site especially with the recent loss of scrub and self-set smaller trees. The future of the boundary scrub will in most places have to be reviewed because it has been allowed to spread and could not be retained as a hedgerow. New planting would be an essential part of development and

many of the young self-set trees on adjacent land within the applicant's control could be retained and incorporated. This is further considered below in section 6 (Green Belt).

The ecological assessment, which is not disputed by Natural England, states that the flora habitats feature common species and are typical locally. They have probably deteriorated in the last decade but are nevertheless of value with potential upon management. Whereas development has the potential to provide management of particular areas, especially the pond, these opportunities have also not been fully explored. The proposed wildlife corridor to the north, even after incorporating the requests of the Ecologist, would be disappointing.

Although the pond in its current state may not be an optimal habitat and no newts were surveyed, the site generally could contain newts and other amphibians (a condition would be proposed to carry out a further survey). The ecological assessment concludes that there would be options, on- and off-site (within the 'blue land' - the R8 land also within the applicant's control), to ensure compliance with legislation. Natural England accepts that the use of a condition (which could provide for a new terrestrial habitat 'off-site') would safeguard newts as the indicative layout shows understanding of the issues. Similarly, the clearance of the site reveals potential reptile/amphibian habitats which should be surveyed through hand searching (secured by condition).

No badger activity was found, the allotments likely being more attractive to them. Although not of particularly good quality, the woodland and scrub would provide nesting opportunities for birds but no notable finds were made on the site. It is proposed to provide bird boxes. There are some potentially suitable bat roosting sites in the oaks on the eastern boundary but, due to its limited size and the presence of other suitable local areas, the site would not be critical for foraging. Nevertheless, a further survey should be undertaken of the scout building should it be removed in the future. It is recommended that minimal external lighting be provided to the layout near these trees (Proposed Informative). It would be proposed (by condition) to install bat boxes or roost access in new buildings. The site therefore would not be critical to local fauna.

In conclusion it is considered likely that a layout could be designed which responds far better to the trees and ecological opportunities the site presents. Because of this the layout would be excluded from any permission, which will have highway implications, addressed below. In accordance with the ecological assessment conditions should be imposed to cover the submission of a landscaping and ecology design and management strategy, for a newt survey and mitigation measures, and an informative that works should avoid impacts on nesting birds. In support of this strategy the ecologist has already indicated her approval of the final drainage scheme which re-instates a 'green corridor'.

#### **4. Capacity of site**

Policy H1 requires the application site and the land to the north-east to provide a minimum of 80 dwellings. An indicative layout of the remainder of the 'H1 land' has not been provided. However, in considering the application on that land (the '2002 application') we operated on the basis of a notional capacity of up to 26 dwellings and the subsequent application seeks up to 25. The figures of the 2 parts of the allocation land combined, allowing for eventual replacement of the

scout hut, would broadly equate to the minimum Local Plan provision at a density of about 36 units/ha.. In recommending the S106 matters to his client, the applicant, the agent<sup>1</sup> modifies the Design and Access Statement and agrees that this phase provide the full affordable housing quota for the whole site. Although additional land from the Policy R8 area is included in the site, as 'woodland habitat' to screen the development from the northwest, this does not affect the density calculation. The NPPF does not include policy on densities beyond that which local planning authorities may set [47].

<sup>1</sup> Email 2/7/12

## **5. Design**

The indicative layout has been examined to determine whether 50 dwellings could be provided in a satisfactory manner. The scout hut is retained but a further indicative layout shows an option to demonstrate that the whole site could be developed whether or not the scout site was included. This would mean that there is no pressure of the Scout Association to sell or remain.

The 50-dwelling indicative layout shows the access from Dunstable Road curving round to serve 2 culs-de-sac. Buildings are located on the perimeter block principal, addressing highway frontages (including Dunstable Road) or, in one case, the pond. A new footpath is provided alongside Dunstable Road which enables the layout to relate to the adjacent part of the village via a new pedestrian crossing just north of the site. The indicative layout includes 2 to 5-bed houses and 1 to 3-bed flats. Building envelopes are shown and 5 buildings furthest from Dunstable Road and at the lowest point of the site would be 3-storey. The applicant points out that much of Caddington is of a low density suburban character and, in order to achieve the Development Plan target, terraces in the village core would be used as exemplars and would be arranged to provide a more intimate village street to the west of the site. In this way rear gardens could be larger and a clear definition of public and private domain made. This would balance the more spacious layout near the pond which is also a safeguard against less stable ground conditions in this depression of unknown origins. Concern by the PC to 3-storey houses can be addressed at reserved matter stage as the details are to be excluded in this application.

Land is included from outside the residential allocation to provide some screening in the form of self-set trees and shrubs on the 'R8 land' to the west. This has been examined above and is part of a response to the problem of screening and integration.

Affordable housing (social rent and intermediate and up to 4-bed) is offered at 36% of the site as a whole (19 units of social rent and intermediate). Although it would not be possible to accede to requests by the PC that the affordable housing be allocated to villagers, it would be allocated locally.

The site has been partly cleared to enable surveys to take place and this affords an opportunity to revise the layout to avoid the best of the remaining trees. As set out above in section 3, this opportunity has not been taken and therefore the layout would be excluded from any approval (save as respects the main vehicular access). Alternative layouts can be achieved which work more closely with the trees. Nevertheless, the provision of the indicative layout has enabled

consideration of the capacity of the site.

## **6. Open space and Green Belt**

The 1996 planning permission, providing land for allotment purposes on the large field to the north-west, is considered to have been implemented through the construction of the first part of the access from Dunstable Road. Although the footpath is unaffected by its onward course, the indicative layout in the current application would need to be amended if the access was fully constructed.

The indicative layout proposes the use of the land taken from the large field to the north-west as woodland habitat thereby contributing to the ecological offer. As well as being within the Policy R8 area, with which it would not conflict, it is within the Green Belt. Tree planting is not development of land and therefore green belt openness is not affected. Furthermore, although (a) it could be argued that the screen is part of the residential development and the land should consequently be reckoned as residential, and (b) there is a small overspill of parking spaces to the north, the practical difficulties of developing this site even at the lowest density tends to support the decision to annexe some land to avoid further tree loss on the main site. These would be considered to comprise 'very special circumstances'. The drainage works would not be inappropriate development as they are 'engineering operations' which preserve openness and do not conflict with the purposes of Green Belts.

## **7. Access and sustainable travel**

An upgraded version of the existing access to the north east of the site would be used, with splays within the highway, and the southern access to Dunstable Road closed. With the retention of the scout hut, this access would be retained but provided with improved splays. These splays would accord with the safety audit. Although proposed to be excluded, the indicative layout did not propose other vehicular access to Dunstable Road. A new length of footway would be provided alongside the site which would extend in front of the land to the north, to link with a new pedestrian crossing. An assessment indicates that peak hour traffic flows could be satisfactorily accommodated with the new arrangement. Cycle storage and off-street parking are shown, however we would consider this in detail at reserved matter stage to ensure it meets CBC parking standards.

For the reasons given above, it has not been shown that the proposed loss of trees or the limited habitat corridors represents the best way of developing the site. Therefore it is proposed to limit any approval of proposed access arrangements to the point of access with the existing highway. A condition and informative would address this.

## **8. Flood risk and drainage**

Drainage is a key issue on the site.

A foul water sewer crosses the field north of the site and another running down Dunstable Road serves existing properties. There are no surface water sewers in the area and the clay capping is known to severely retard natural percolation, making soakaways, the pond and SUDs of limited effectiveness as a means of absorbing surface water. However, it is known that ground water flows from the allotments into the pond, sometimes at a high rate. Water migrates from the fields to the north towards the site and Mancroft Road. The PC believes that the



environs of the pond are usually sufficient to absorb excess water.

The applicant seeks to mimic this arrangement as far as possible. From the development itself foul water would go to the main sewer (2.4 l/sec), as has been accepted by Thames Water. Roof water would go to a new borehole and pervious surfaces to ground. Road water would go through a petrol interceptor to a new unlined detention basin on the R8 land to the south-west. In normal rainfall conditions this would be released both through the base of the basin and through a hydrobrake<sup>1</sup> into a swale with ponds and weirs, outfalling at the Mancroft Road ditch. At times of flood, the basin would also have a weir into the swale. Subject to design work, the swale could be replaced or supplemented by a perforated pipe. These above-ground water courses would be SUDs with vegetation further retarding and cleansing flows. Allotment water would go to the main pond with a piped overflow to the basin if flooding to new houses was a risk. Thus, overland water from the north would be little interfered with, subject to the developer choosing to divert any which entered the site into the pond. By not diverting the allotment flow a green corridor would be maintained between the pond and external land. The pond may be deepened or widened provided water level remained as at present and there was a suitable water retention base for ecological reasons.

Therefore, of the natural rainfall onto the site, only the roof water and road water would be diverted from being absorbed, the former going to a borehole where there is no flood risk and the latter being sent to retarding facilities (supported by calculations). With this proportion of the rainwater on the site now being diverted away from the pond, it would be better able to cope with the allotment water. The overland flows from the north are hardly interfered with and are a neutral factor. It is thus possible to assess the situation without the highly complex exercise of measuring the overground flows as opposed to observing their behaviour at times of flood. Finally, the impact of the surplus pond water on the basin (which has not been built into the calculations) could be catered for by further design work on the details of the swale and/or large bore pipe. It is therefore considered that flood risk and drainage are adequately dealt with. The EA and CBC Drainage Engineer confirm that, subject to conditions, they are satisfied.

The drainage system, including the natural pond, the borehole and the attenuation pond will need to be adequately maintained. The CBC Drainage Engineer advises that new legislation is being introduced in 2013 which will require Local Authorities to automatically adopt such drainage systems with funding for maintenance being provided directly from Defra. There may be a possibility of the Council voluntarily adopting surface water drainage systems before the introduction of the new legislation but the developer may need to provide a commuted sum payment. A condition is proposed requiring submission of a maintenance scheme and the developer applicant may, if desired, include provision for such an arrangement.

<sup>1</sup> A hydrobrake is a device for regulating the outward flow of water to avoid excess surge in the early stages of a rainfall event. In this case the rate would be about 1 l/sec.

## **9. Other matters and NPPF policy**

As well as sustainability issues considered above the development could

incorporate natural surveillance, water consumption limiters (Code 3) and careful attention to orientation and window size.

### Scout hut

The Association is particularly concerned with the uncertainty of their future should housing be built, especially should complaints arise from new residents. It is also frustrated in what it sees as a lack of communication in respect of whether they will be 'offered' new premises on adjacent land owned by the applicant. According to the Parish Council the Association is very popular, catering for nearly 80 children. They meet here (until mid-evening) on Mondays, Thursdays and Fridays, though there is the possibility of a fourth night if any group expands. Adult executive meetings infrequently take place, up to 2200h and there are occasional working parties at weekends. About eight times a year the site is used at weekends for sectional activities and camps, both inside and outside, and about the same number of visits overnight by other troops. Pressure on outdoor space can be alleviated by visits further afield. The PC adds that there is an increasing noise and parking problem to local residents of dropping off/collecting children which they fear will increase with the new population (notwithstanding their closeness). The PC also urges CBC to assist as an arbiter to move forward a move to a new site and to note that drying out the site (for development) could result in subsidence of the hut, which is on higher land.

In respect of the noise, CBC have not received noise complaints from existing residents and can reasonably assume that a reasonable continuation of the Scout activities should not alter matters, given their ongoing presence. The noise survey, accepted by the Council's EHO, found that if, as is presently proposed, the scout hut remained, the new houses closest to it would be affected by noise from cars and users of the building. But these impacts could be brought to within satisfactory levels with a 2m acoustic fence 'screening' gardens from the impacts of noise from use of the car park and external ground level activities. More generally the EHO advises that most reasonable activities, indoor and outdoor, based at the scout hut should not give rise to justifiable complaint from new houses. Therefore, there appears to be no reason why the premises could not co-exist with new houses and there should be no pressure on the scouts. The proposal, in the provision of visibility splays for the existing building, may even slightly improve the local problem of dropping off/collecting children. It is to be hoped that the Association can impress on parents the value of shared trips or accompanied walking for local children; few organisations are better placed to urge this practice.

Discussions have taken place with officers and the Parish Council with regard to relocation of the scouts with a view to them remaining in the village and officers will continue to advise on the matter.

### NPPF

Reference has already been made to the NPPF in matters of Green Belt policy and site capacity. The Framework embraces many other aspects of the proposal. Firstly, the development plan is not silent on the proposed use of this land [14] and the housing proposal is in full conformity with Policy H1 apart from the fact that a Development Brief was not prepared. In particular, the scheme seeks 'to avoid exacerbating local flooding problems.' The development is

sustainable and there is a presumption in favour of it; the Framework accordingly advises that such proposals should be 'approved without delay'. This is the more important due to the unfortunate delays so far experienced in this case.

Secondly, sustainable transport measures will help Caddington in respect of 'safer routes to schools' and Dunstable Road should be a safer road with the proposed pedestrian crossing and improved sight lines. A good choice of homes would be available and excluding the indicative layout means that we can seek to achieve a good layout which takes full account of the opportunities afforded by the character of the site. Flooding [section 10] and community infrastructure [section 8] have been taken into account in conditions and the proposed S106. The reserved site layout will enable ecological issues to be addressed in depth [section 11] (although conditions are proposed at this stage). Finally, as one of the reasons for the delay, we are satisfied that there is no archaeological constraint on development [128].

### Objections

Most of the issues raised, especially by the PC, have been dealt with in appropriate sections above. Of the other concerns the following can be noted:

- Highway hedgerow - This is generally a loose 'edge-of-woodland' feature which will be partly required for visibility splays in order that the housing land can be accessed. New hedgerows can be planted to replace those that have to be removed. It is hoped that much of the scouts' hedgerow can be retained.
- 'Brownfield land should be developed first' - This is a housing allocation site, which was found necessary despite the availability of other brownfield sites. There is little brownfield land at Caddington to serve local housing needs.
- Headlights and noise - It is not considered that the impact of headlights and traffic noise on the properties facing the new access (which is already authorised by an earlier permission to receive traffic) would cause material inconvenience.
- Asbestos - Any asbestos found on the site would have to be removed in accordance with appropriate legislation.
- Crime and anti-social behaviour - There is no reason why the proposal should increase this occurrence.
- Developers not working with community - Irrespective of how the PC and residents feel the applicants have engaged locally, the applicants' full dialogue with officers has enabled progress to be made and the officers have simultaneously engaged fully with the PC and conducted 3 rounds of public consultation. It is considered that the result is fully within the spirit of localism.

### **10. Conditions and Planning obligations**

The proposed conditions are grouped to deal with the various subject areas of this application and the conditions are accepted by the applicants:

- Time limits (1, 2)
- Exclusion of indicative layout (except for access point) (3)
- Landscaping, including tree protection and landscape/ecology management strategy (4 - 7)
- Ecology, including new bat survey (8 - 9)

- Contamination/drainage (10 - 17)
- Acoustic fence (18)
- Highways (19 - 29)
- Plan identification (30).

Lawyers for the applicant have assessed the CBC infrastructure requirements and are prepared to recommend them to their clients, the applicant. The heads are agreed and the sums would be as follows:

- Leisure and recreation - indoor/centres, outdoor, countryside recreation/rights of way - £138,100,
- Education - early years level - £34,566,
- Sustainable transport - Safe routes to schools, traffic management (pedestrian crossing) - £39,000,
- Health - £30,000,
- Social/community - £12,650,
- Waste management - £4,800,
- Emergency services - £10,350

TOTAL: £259,466.

The agent will recommend to his client that the full number of affordable housing units for the site (19, based on a capacity of 54 dwellings) would be provided in this phase. Accordingly the applicant asks that it be MINUTED that the affordable housing is so handled.

## **Recommendation**

That Planning Permission be GRANTED subject to the following:

- 1 **Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**
  - **access (other than the point of access to the external highway)**
  - **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.**

**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 The indicative layout 5673/201/pF is excluded from this permission save in respect of the access from the external highway to the proposed estate road.

Reason: To accord with the provisions of Article 3(4) of the Town and Country Planning (General Development) Order 1995 as amended and par.134 of 'Guidance on information requirements and validation' March 2010 DCLG.

- 4 **Before development begins, a landscaping scheme to include land outside the red line area but within the blue line area as shown on drawing 5673/000/\* and to include ground moulding 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.  
(Policies ENV7 RSS; BE8 SBLPR).**

- 5 The reserved matters shall include details of a scheme of proposed enhancement/improvement of the existing public footpath crossing the site and its delivery and the approved scheme shall be implemented in full in accordance with its terms.

Reason: To minimise the impact of the development on the character of the area.

(Policies: ENV7 RSS; BE8 SBLPR)

- 6 **No development shall commence, including ground clearance, unless a revised Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority, which Plan is based on the final site layout to supersede Tree Protection Plan 9192-BT3 as prepared by Barrell Tree Consultancy. The Tree Protection Plan shall be based on the 'Arboricultural Impact Appraisal and Method Statement' (ref 9192-A1A2-CA-05092011) dated 5<sup>th</sup> September 2011.**

**Reason: To safeguard trees on the site.  
(Policies ENV7 RSS; BE8 SBLPR)**

- 7 Before development commences a Landscape and Ecology Management Strategy shall be submitted to and approved in writing by the Local Planning Authority which shall subsequently be implemented in full.

Reason: To ensure that the main landscape features and ecology of the site are suitable managed and protected.

(Policy NPPF)

- 8 **Before development starts surveys shall be carried out at the appropriate time of year for the presence of Great Crested Newts on the site and adjacent development land within the blue line on submitted plan 5673/000/\*. The results of the surveys and any other necessary mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be implemented as part of the development.**

Reason: To ensure adequate provision for protected species.

(Policy NPPF)

- 9 **Before development starts an updated bat survey shall be carried out by a suitably qualified ecologist. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority and necessary works implemented in accordance therewith.**

Reason: To ensure adequate provision for protected species.

(Policy NPPF)

- 10 Prior to the commencement of any phase of development on the red or blue land shown on drawing 5672/000/\* the developer shall submit to the Local Planning Authority for its approval:

- (a) a Phase I 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 (a) above, a Phase II 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 (b) above, a Phase III detailed scheme for 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 IV 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 top soils that are moved or traded and should be adhered to.

Reason: To protect human health and the environment.

(Policy NPPF)

11 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) produced by Royal Haskoning Ref: 9V3743/R00004/303754/Pet and the approved FRA Addendum Ref: 9W4904/Adden/R0001/310030/Man dated 28 February 2012, and the following mitigation measures detailed within the FRA:

1. Controlling the roof drainage surface water run-off generated by the 100 year critical storm with 30% addition for climate change, using the sustainable drainage methods indicated in Section 2.3, so that it will not increase the risk of flooding off-site.
2. Controlling the road drainage run-off generated by the 100 year critical storm with 30% addition for climate change, using the sustainable drainage methods in accordance with Section 2.4, so that any off-site discharge is restricted to 5 litres/ sec.
3. Controlling surface water overland flows using the sustainable drainage methods detailed in Section 2.6.
4. Developing a plan for the future maintenance of the sustainable surface water drainage system and overland flow routes shall be agreed with the local planning authority and implemented prior to residential occupation of the site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to maintain the approved systems. (Environment Agency condition).  
(Policy NPPF)

12 Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - 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 a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The site has been subject to fly tipping. The samples taken in the site investigation should also include organic contaminants of concern (TPH, VOCs and sVOCs) as waste is heterogeneous and may contain other things than heavy metals. (Environment Agency condition).  
(Policy NPPF)

- 13 Prior to occupation, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: If the site investigation and DQRA identify that remediation is required, a verification report should be submitted to verify that remediation was successfully undertaken. (Environment Agency condition).  
(Policy NPPF)

- 14 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, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To prevent the mobilisation of contaminants and protect water quality. (Environment Agency condition).  
(Policy NPPF)

- 15 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 approval details.

Reason: To protect groundwater. A borehole soakaway has been proposed through the clay with flints into the underlying Chalk aquifer for drainage.  
(Policy NPPF)



- 16 Piling or any other foundation designs using penetrative methods shall 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. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater as some piling methods may act as preferential pathways.  
(Policy NPPF)

- 17 **Development shall not commence until a drainage strategy detailing any on and /or offsite drainage works has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul and surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.**

**Reason: To ensure a satisfactory impact on the public drainage system (Thames Water condition).  
(Policy NPPF)**

- 18 Details of the specification and precise location of an acoustic fence to be located in the vicinity of the scout building shall be submitted to and approved in writing by the Local Planning Authority and shall be fully installed prior to the first occupation of any dwelling on the site.

Reason: To safeguard the amenity of adjacent new dwellings.  
(Policies ENV7 RSS; BE8 SBLPR)

- 19 Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.  
(Policy T8 RSS)

- 20 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 56m 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 exceeding a height of 1.05m.

Reason: To provide adequate visibility between the existing highway and the proposed access(es), and to make the access(es) safe and convenient for the traffic which is likely to use it (them).  
(Policy T8 RSS)

- 21 Visibility splays shall be provided at all road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.5m 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.

(Policy T8 RSS)

- 22 Visibility splays shall be provided at the junction of the scout premises access with the public highway before the first dwelling is occupied. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the access from the junction with the channel of the public highway and 56m measured from the centre line of the access along the line of the channel of the public highway. The required vision splay shall, on land in the applicant's control, be kept free of any obstruction.

Reason: In the interests of road safety.

(Policy T8 RSS)

- 23 **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 thereto has been constructed (apart from final surfacing) in accordance with the approved details.**

**Reason: To ensure that the proposed roadworks are constructed to an adequate standard.**

**(Policy T8 RSS)**

- 24 No dwelling shall be occupied unless and until a 2.0m wide footway has been constructed on the north-western side of Dunstable Road across the whole length of the site frontage and extending beyond the access to Public Footpath No.9 in a north-easterly direction for a distance of 22m in accordance with details of a scheme to be submitted to and approved in writing by the local planning Authority. Any Statutory Undertakers equipment or street furniture shall be re-sited to provide an unobstructed footway.

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

(Policy T8 RSS)

- 25 **Before development begins, a scheme for the parking of cars on the site shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the parking space(s) associated with it have been laid out and constructed in accordance with the approved details and those spaces shall not thereafter be used for any purpose other than the parking of vehicles.**

**Reason: To ensure the provision of adequate off-street parking to meet the needs of occupiers of the proposed development and to minimise the obstruction and inconvenience caused by vehicles parking on-street.**

**(Policy T8 RSS)**

- 26 **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 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.**

**(Policy T8 RSS)**

- 27 **No development shall commence until a wheel cleaning facility has been provided at all site exits 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 that Authority.**

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

**(Policy T8 RSS)**

- 28 **Development shall not commence, including ground clearance, until a scheme detailing access provision to and from the site (red and blue land as shown on drawing 5673/000\*) 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 interest of road safety.**

**(Policy T8 RSS)**

- 29 **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.**

**(Policy T8 RSS)**

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

numbers 5673/011/p\*, 5673/000/\* and 5673/201/pF.

Reason: For the avoidance of doubt.

### **Reasons for Granting**

**The proposed residential development is mainly on land allocated in the Development Plan (DP) for residential development and this delivery is long overdue. Constraints of trees, drainage and topography make the density limits set out challenging and it is considered that the inclusion of other adjacent land, owned by the applicant, to enable the development is justified. This other land is in the Green Belt and, although allocated for recreational use in the DP, would provide screening and drainage infrastructure - a matter requiring special consideration in the DP policy. The works, where there is an impact on openness, would comprise 'very special circumstances'. Drainage seeks to mimic the existing pattern and, within the standardised maximum flood conditions should not add to present problems on Mancroft Road. Vehicular access to Dunstable Road would be acceptable with the imposition of vision splays and the proposed pedestrian crossing point, thus satisfying Policy T8 of the RSS. However, internal layout has been excluded so that, in accordance with Policies ENV7 of the RSS and BE8 of the SBLP, reserved matters may provide a set of details which reflect the remaining distribution of trees and potential of the site to take into account habitat and ecology. The scout premises would remain but could be developed for housing in due course. The relationship between an active scouting troop and new housing would be acceptable. A full set of infrastructure contribution requirements is accepted by the applicant and the full affordable housing provision for the site is provided at this stage. The proposal as approved would comply with the NPPF.'**

### **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. 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.
3. 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 Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Amphill Road, Bedford MK42 9BA 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.

4. 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.
5. 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 Management 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.
6. 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.
7. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.
8. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developer's expense to account for extra surface water generated. Any improvements must be approved by the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
9. The applicant is advised that all car parking to be provided within the site shall be calculated, designed and laid out in accordance with the Central Bedfordshire Council's SPD Design Supplement 7 'Movement, Streets and Places' - January 2010.

10. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Guidance – July 2010".
11. The developer is advised that, in accordance with the Wildlife and Countryside Act 1981 (as amended), any removal of trees, scrub or hedgerow should take place outside the bird breeding season of March to August inclusive. Should any vegetation have to be removed during or close to this period it should first be thoroughly assessed by a suitable experienced ecologist as to whether it is in use by nesting birds. Should nests be found, a suitable area of vegetation (no less than 5m zone around the nest) should be left intact and undisturbed until it is confirmed that any young have fledged before works in that area proceed.
12. The final layout will be expected to include a 'green corridor' between the pond within the site and open land surrounding the red line site. This would provide a habitat link appropriate to various species as well as providing a visual link between the development and the countryside. In the interests of wildlife it will be appropriate to consider the form and scale of lighting in the vicinity of the protected trees. Bird and bat boxes should be considered in the final design. Further to condition 5 the proposed link between ground water and the pond within the site may necessitate the provision of a duck-board causeway over sections liable to flooding. This should be discussed with the CBC rights-of-way officer.

**DECISION**

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