

Item No. 6

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

Recommendation

That on receipt of a satisfactory agreement under S106 of the Planning Acts, based on the Heads of Agreement (as detailed in the Late Sheet), the Head of Development Management in consultation with the Chairman of Development Management Committee, be authorised to issue the Grant of permission subject to the following points 1-5 below and conditions:

1. Previously notified neighbouring properties be re notified of the submissions for a period of 10 calendar days and provided no new matters are raised which have not previously been considered
2. Consideration be given to raising the proposed zebra crossing and providing a similar raised area on Dunstable Road to the West of the site.
3. Officers negotiate sums to prioritise Sustainable Transport in the Section 106 Agreement.
4. Officers consider specific projects in consultation with the Parish Council with regard to the Section 106 Agreement.
5. No affordable housing element be required when an application is received for the Scout Hut site itself provided 19 affordable housing units are offered in the current permission.

- 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 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 5th September 2011 and ground preparation / development shall only be carried out in accordance therewith**

**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 **No development shall commence until surveys have been carried out between March and June inclusive 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 **No development shall take place until an updated bat survey has been 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/Rev.E dated 03 July 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 **No development shall 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 **No Development shall commence 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 A visibility splay 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 line 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 in a westerly direction 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 **No development shall 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 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 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 **No development shall 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 **No development shall 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.

NOTES

(1) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.

(2) In advance of the consideration of the application the Committee were advised of consultation received from

- Caddington Parish Council Planning Committee proposing a scheme to full Parish Council for engineering works, the applicant bearing the cost to be carried out on the allotment land where the ditch surface water crosses the public footpath.
- Caddington Scout Group setting out the origins of the building and expressing concerns regarding the documentation indicating 54 dwellings and implying that the applicant owns the land when in fact this is not the case. Concerns regarding: noise, overlooking, site security and drainage.
- Neighbour letters