

Item No. 17

APPLICATION NUMBER	CB/14/04277/FULL
LOCATION	R/O 1-5 Kingsbury Avenue, Dunstable, LU5 4PU
PROPOSAL	Construction of two semi-detached dwellings and a detached double garage
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Young
CASE OFFICER	Nicola Darcy
DATE REGISTERED	03 November 2014
EXPIRY DATE	29 December 2014
APPLICANT	Mr W Christie
AGENT	Worth Planning and Design Ltd
REASON FOR COMMITTEE TO DETERMINE	Cllr David McVicar Call-In due to; - Removal of trees - Backland development - Overlooking from 1st Floor windows
RECOMMENDED DECISION	Full Application - Recommended for Approval

Summary of Recommendation

Residential development of the site is accepted in principle. The proposal would complement and harmonise with its surroundings, would provide an acceptable degree of amenity to future residents, would not have a detrimental impact on the amenity of surrounding residents and would have an acceptable impact on the surrounding highway network. Having regard to the viability of the development, the proposed development would make sufficient provision for financial contribution towards community infrastructure. The proposal is therefore considered to be in accordance with the National Planning Policy Framework, Policies BE8 and H2 of the South Bedfordshire Local Plan Review, policies 1, 19, 27, 29 and 43 of the emerging Development Strategy, the Central Bedfordshire Planning Obligations Strategy and the Central Bedfordshire Design Guide.

Recommendation

That Planning Permission be **GRANTED** subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **Prior to development, a specialist method statement shall be submitted to the Local Planning Authority for approval, describing in detail the specification and installation process for the cellular confinement**

system, to be positioned as indicated on the Tree Constraints & Protection Plan, that forms Appendix 3 of the Tree Survey Report (Pre-Development), prepared by RGS Arboricultural Consultants dated October 2014, and shall specify how the works will be sequenced and supervised in relation to the main build.

Reason: To prevent damage to the Root Protection Areas of trees T2-T5 (inclusive) as indicated in the Tree Survey Report, which would otherwise be incurred by the construction of a conventional driveway surface, in the interests of maintaining the health, stability, amenity and screening value of these trees.

(Policy 59 D.S.C.B)

- 3 **Prior to the commencement of any development site activity, all tree protection fencing shall be erected in accordance with the recommendations found in Section 6, and as indicated on the Tree Constraints & Protection Plan (Appendix 3), of the Tree Survey Report (Pre-Development), prepared by RGS Arboricultural Consultants dated October 2014, and the fencing shall remain in place throughout the course of development.**

Reason: To ensure a satisfactory standard of tree protection to maintain the health, stability, and amenity value of the retained trees.

(Policy 59 D.S.C.B)

- 4 **No development shall take place until a scheme for screen fencing or screen walling including details of the boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and shall be retained thereafter.**

Reason: To safeguard the amenity and privacy of residents.

(Policies BE8 SBLPR & 43 DSCB)

- 5 **Development shall not begin until details of the junction of the modified 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.

(Policies BE8 S.B.L.P.R & 43 D.S.C.B)

- 6 **Before the access is first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.**

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

(Policies BE8 S.B.L.P.R & 43 D.S.C.B)

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

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

(Policies BE8 S.B.L.P.R & 43 D.S.C.B)

- 8 The parking bay shown as visitor parking on plan WPD-020-13-2D shall be kept as unassigned parking and in an open condition, fully available for this purpose and no bollard, barrier or similar device or designation signs shall be erected thereon.

Reason: To minimise the potential for on-street parking and thereby safeguard the interest of the safety and convenience of road users.

(Policies BE8 S.B.L.P.R, 27 & 43 D.S.C.B)

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

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

(Policies BE8 S.B.L.P.R, 27 & 43 D.S.C.B)

- 10 The turning space for vehicles illustrated on the approved Plan (No WPD-020-13-2D) shall be constructed before the development is first brought into use and thereafter shall be kept clear from all obstruction.

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

(Policies BE8 S.B.L.P.R, 27 & 43 D.S.C.B)

- 11 **No development shall commence until details of a method statement to prevent and deal with site debris from being deposited on the public highway have been submitted to and approved in writing by the Local Planning Authority. The approved method statement shall be implemented throughout the construction works and until the completion of the development.**

Reason: In the interests of highway safety and to prevent the deposit of

mud or other extraneous material on the highway during the construction period.

(Policies BE8 S.B.L.P.R & 43 D.S.C.B)

- 12 Details of bin collection points shall be submitted to and approved by the Local Planning Authority and the collection points provided in accordance with the approved scheme prior to the occupation of any dwelling. The approved collection points shall thereafter be retained.

Reason: To avoid the long term storage of refuse containers on the highway so as to safeguard the interest of highway safety.

(Policies BE8 S.B.L.P.R & 43 D.S.C.B)

- 13 **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.

(Policies BE8 S.B.L.P.R & 43 D.S.C.B)

- 14 **Prior to the commencement of development a survey of the site shall be undertaken to ascertain as to whether there are any bats roosting on the site. If bats are found to exist the details of measures to be undertaken to safeguard these protected species and habitat protection measures shall be submitted to and approved in writing by the Local Planning Authority. The habitat protection measures shall be implemented to the satisfaction of the Local Planning Authority and in accordance with a timetable agreed in writing by the Local Planning Authority.**

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area.

(Policy 57 D.S.C.B)

- 15 The development hereby permitted shall not be [occupied/brought into use] until a scheme for the parking of cycles on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is [first occupied/brought into use] and thereafter retained for this purpose.

Reason: To ensure the provision of 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 43, DSCB)

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers WPD-020-13-1, WPD-020-13-2D & WPD-020-13-3.

Reason: To identify the approved plans and to avoid doubt.

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 South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
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. This permission is subject to a Legal Obligation under Section 106 of the Town and Country Planning Act 1990.
4.
 - 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 Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 1. Upon formal approval of details, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. 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. To fully discharge condition 1 the applicant should provide evidence to the Local Planning Authority that Bedfordshire Highways have undertaken the construction in accordance with the approved plan, before the development is brought into use.
 - 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 Street Works Co-ordinator, Bedfordshire Highways, by contacting the Highways Helpdesk 0300 300 8049.
 - The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the

satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been recommended for approval for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of a revised plan having been received, additional consultation / publicity responses and additional comments from the planning officer as detailed in the Late Sheet attached to these Minutes.
3. Conditions, 8, 10 and 16 were amended to reflect the revised plan which was received. New reference WPD-020-13-2D.]