

Item No. 14

APPLICATION NUMBER	CB/15/02666/FULL
LOCATION	226 Heath Road, Leighton Buzzard, LU7 3AY
PROPOSAL	Proposed new dwelling including demolition of a part of the existing dwelling
PARISH	Leighton-Linslade
WARD	Leighton Buzzard North
WARD COUNCILLORS	Cllrs Johnstone, Spurr & Ferguson
CASE OFFICER	Donna Lavender
DATE REGISTERED	14 July 2015
EXPIRY DATE	08 September 2015
APPLICANT	Jackson Lane Homes Ltd
AGENT	A. P Whiteley Consultants Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Ward Councillor Spurr on grounds of overdevelopment, detrimental impact on the landscape character of the area and privacy.
RECOMMENDED DECISION	Full Application - Recommend for Approval

Recommendation:

That Planning Permission be APPROVED 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 **The dwellinghouse should be constructed and finished with the materials as indicated on drawing no. JLH/21507/MODPLAN1 unless otherwise approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building in the interests of the visual amenities of the locality.
(Policies BE8 S.B.L.P.R & 43, D.S.C.B)**

- 3 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the proposed dwellinghouse is occupied and shall be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.
(Policies BE8 S.B.L.P.R & 43, D.S.C.B)

- 4 **No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and to control the overall height of the proposed building. Failure to agree levels prior to development could result in unacceptable heights of the proposed dwellinghouse on completion resulting an unacceptable dominance not anticipated by this development.

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

- 5 **Prior to development, an appropriate Landscape Protection Method Statement, Landscape Protection Plan and Landscape Strategy shall be submitted to the Local Planning Authority for approval, clearly showing the build specification for protective fencing and all related good working practices, which shall be in accordance with BS 5837 : 2012 "Trees in relation to design, demolition and construction" and a net gain to biodiversity. The positioning of the fencing shall be erected to protect the natural canopy spread and root protection areas of all boundary planting, including trees, hedging and shrubs. The approved Landscape Protection Plan, Method Statement and Strategy shall then be fully implemented before the commencement of any site construction works, and the approved fencing shall remain firmly in place throughout the entire course of development.**

REASON : To ensure that a satisfactory standard of landscape protection is fully implemented in the interests of maintaining the health, natural canopy spread and screening value of all boundary planting. Failure to secure these details prior to commencement of development could result in the unreasonable loss of mature trees and landscape that add amenity value and screening (Policy BE8 S.B.L.P.R and 57 & 58 D.S.CB)

- 6 **Before the development hereby permitted is first occupied or brought into use, the scheme for access including appropriate visibility splays, parking, garaging and manoeuvring shown on Drawing No LJHL/21507/LAYOUTMOD1 shall be laid out, drained and surfaced in accordance with details previously submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose.**

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway. (Policy 43 D.S.C.B)

- 7 **The dwelling hereby approved shall not be occupied until details of the bin storage & collection point has been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection areas have been implemented in accordance with the approved details. The bin storage & collection point shall be retained thereafter.**

Reason: In the interest of amenity.
(Policy 43 D.S.C.B)

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers LJHL/21507/LAYOUTMOD1, LJHL/21507/COMPARE1 & JLH/21507/MODPLAN1.

Reason: To identify the approved plan/s and to avoid doubt.

Notes to Applicant

1. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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. 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, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
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, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.
5. 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.
6. The applicant is advised that a deed of covenant was attached to the deeds of properties within Heath Road restricting development which consists of

digging, excavation and further building. This deed is accepted as a legal requirement and the applicant is advised to respond to this covenant prior to commencement of any works and may wish to seek legal advice in this respect.

7. Preliminary demolition work on the buildings should be undertaken with care, especially when removing the roof tiles of the garage, and if any bats or evidence of them is discovered, work will stop and Natural England contacted for advice, and if necessary, a licence will be obtained before work proceeds. Prior to any tree surgery or felling work that may be required on the dying oak along the eastern boundary, the ivy should be removed from it and any hidden cavities inspected beforehand to look for any evidence of roosting bats.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process 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) Order 2015.

[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 amendments to the report, additional consultation/publicity responses and additional comments for other considerations as detailed in the Late Sheet from the following:
 - a. The Summary of Recommendation was revised to refer to BE8 rather than BE6.
 - b. Paragraphs 2.3 and 2.5 were amended.
 - c. Additional consultation/publicity responses were received from 4 Shenley Close, 14 St Leonards Close and Leighton Linlade Town Council
 - d. Additional comments for other consideration related to the Deed of Covenant.
 - e. Additional informatives 6 and 7 were added.]