

## **Item No. 11**

<b>APPLICATION NUMBER</b>	<b>CB/17/02512/OUT</b>
<b>LOCATION</b>	<b>Land South of the bungalow, Bedford Road, Houghton Regis, Dunstable, LU5 6JS</b>
<b>PROPOSAL</b>	<b>Outline Application: Residential development of up to 1.03ha of the site with formation of two accesses, sustainable urban drainage and associated landscaping</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Hall</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Goodchild &amp; Kane</b>
<b>CASE OFFICER</b>	<b>Alex Harrison</b>
<b>DATE REGISTERED</b>	<b>03 July 2017</b>
<b>EXPIRY DATE</b>	<b>02 October 2017</b>
<b>APPLICANT</b>	<b>Haut Limited</b>
<b>AGENT</b>	<b>Optimis Consulting</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Town Council objection to a major application Departure from the Development Plan</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Recommended for Approval</b>

### **Recommendation:**

That Outline Planning Permission be granted subject to the completion of a S106 agreement and the following:

### **RECOMMENDED CONDITIONS / REASONS**

- 1 Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.  
  
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.
- 2 Details of the layout, scale, appearance and landscaping, including boundary treatments (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
  
Reason: To comply with Article 3 of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).
- 3 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters 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.

- 4 Any subsequent applications for reserved matters shall include details of the existing and final ground, ridge and slab levels of the development hereby approved. Such details shall include sections through both the site and the adjoining properties. Thereafter the site shall be developed in accordance with the approved details.

Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas in accordance with policy Policy BE8 of the South Bedfordshire Local Plan Review.

- 5 Prior to first occupation of the development hereby approved, details of hard and soft landscaping (including details of robust planting schemes at the southern and northern boundaries, boundary treatments and public amenity open space, Local Equipped Areas of Play and Local Areas of Play) together with a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.

Reason: To ensure that the appearance of the development would be acceptable in accordance with  
Policy BE8 of the South Bedfordshire Local Plan Review.

- 6 Prior to first occupation of the development hereby approved, a Landscape Maintenance and Management Plan for a period of ten years from the date of its delivery in accordance with Condition 5 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and management plan. The landscaping shall be maintained and managed in accordance with the approved plan following its delivery in accordance with Condition 5.

Reason: To ensure that the appearance of the site would be acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies 2009

- 7 Any subsequent reserved matters application shall include the following;
- Estate roads designed and constructed to a standard appropriate for adoption as public highway.
  - The provision of a footway on the west side of Bedford Road along the entire highway frontage of the site.
  - Vehicle parking and garaging in accordance with the councils standards applicable at the time of submission.
  - Cycle parking and storage in accordance with the councils standards applicable at the time of submission.

The works shall then be carried out in accordance with the approved details.

Reason: To ensure that the development of the site is completed to provide adequate and appropriate highway arrangements at all times. Policy BE8 of the South Bedfordshire Local Plan Review.

- 8 **No development shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement, as detailed in Part 5 of the May 2017 Preliminary Ecological Appraisal, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.**
- a) **Purpose and conservation objectives for the proposed works.**
  - b) **Review of site potential and constraints, including a badger survey 6 weeks prior to site clearance.**
  - c) **Detailed design(s) and/or working method(s) to achieve stated objectives.**
  - d) **Extent and location/area of proposed works on appropriate scale maps and plans.**
  - e) **Type and source of materials to be used where appropriate, e.g. native species of local provenance.**
  - f) **Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.**
  - g) **Persons responsible for implementing the works.**
  - h) **Details of initial aftercare and long-term maintenance.**
  - i) **Details for monitoring and remedial measures.**
  - j) **Details for disposal of any wastes arising from works.**

**The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.**

**Reason: to ensure development provides a net gain in biodiversity and the developmet provides acceptable mitigation and enhancement scheme in the interests of Section 7 of the NPPF.**

- 9 The details required by Condition 2 of this permission shall include a scheme of measures to mitigate the impacts of climate change and deliver sustainable and resource efficient development including opportunities to meet higher water efficiency standards and building design, layout and orientation, natural features and landscaping to maximise natural ventilation, cooling and solar gain. The scheme shall then be carried out in full in accordance with the approved scheme.

Reason: To ensure the development is resilient and adaptable to the impacts arising from climate change in accordance with the NPPF.

- 10 Any subsequent application for reserved matters shall include a scheme for protecting the proposed dwellings from road and commercial noise sources. No development shall commence until such has been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: To protect the amenity of future residential occupiers from the impacts of noise arising from road traffic in the interests of Section 7 of the NPPF.

- 11 **No development shall take place until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Drainage Strategy (May 2017), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision of attenuation for the 1 in 100 year event (+40% allowance for climate change) and a restriction in run-off rates to that outlined by the IDB. Any revisions to the agreed strategy shall be fully justified and approved before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan. Details of how the system will be constructed including any phasing of the scheme, and how it will be managed and maintained after completion will also be included. The scheme shall be implemented in accordance with the approved final details before the development is completed, and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

**Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF.**

- 12 No building/dwelling hereby approved shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.

**Reason:** To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written Statement HCWS161.

- 13 **No development shall takeplace until a scheme for the provision of public footpath no. 11 has been submitted to and approved in writing by Central Bedfordshire Council to include:**

- **the design of access and public footpath no.11 (to include landscaping, width and surfacing)**
- **proposals for the diversion of public footpath no. 11 and other public rights of way (where necessary)**
- **the temporary closure and alternative route provision (where necessary) of public footpath no. 11 or another existing public right of way to allow construction, tree root protection fencing or any other advance works.**

**The public rights of way scheme submitted should be in accordance with the Council's approved Rights of Way Standards and Guidance.**

**Reasons: In the interests of the amenity of pedestrians and other non motorised users to ensure safety of users is not compromised by the traffic associated with the development in the interests of Section 7 of the NPPF**

- 14 The Development hereby approved shall be built out at a density of 25-30dph.

Reason: To ensure development respects the rural character of the area and the density of forthcoming residential development close to the site.

- 15 **No development shall take place until an Environmental Construction Management Plan detailing access arrangements including hours of construction vehicles, on-site parking, loading and unloading areas, materials storage areas and dust management shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved Environmental Construction Management Plan.**

**Reason: In the interest of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy BE8 of the South Bedfordshire Local Plan Review**

- 16 **Notwithstanding the details in the approved plans, any subsequent reserved matters application shall include an Arboricultural Method Statement which details the retained parts of existing boundary hedgerows and trees at the site and details how these are to be protected during construction and shall also detail methodology for protection of existing trees adjacent to the site during construction. The works shall then be carried out in accordance with the approved details.**

**Reason: To ensure the retention of existing landscape features in the interests of establishing a rural character to this edge of settlement location in the interests of Section 7 of the NPPF.**

- 17 Prior to the occupation of any dwelling on the site, a scheme for the provision of waste receptacles for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The receptacles shall be provided before occupation takes place.

Reason: In the interest of residential amenity and to reduce waste generation in accordance with the Council's Minerals and Waste Local Plan 2014, Policy WSP5 and the adopted SPD "Managing Waste in New Developments" (2006).

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CSA/3237/103, CSA/3237/101 E, CSA/3237/102 D, BE5191M-001 A and BE5191M-003.

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

19 Development shall not begin until details of a traffic calming scheme along Bedford Road has been approved by the Local Planning Authority. The details of the scheme shall include but not be exclusive to the following:-

- Speed limit reduction from 30 and 40 to 20mph;
- Feature to enforced a speed limit of 20mp;
- Raise speed tables to the proposed junctions; and
- Improved Street lighting along the frontage of the site with Bedford Road.

No dwelling shall be occupied until that scheme has been implemented in accordance with the approved details

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway.

20 Development shall not begin until details of a traffic calming scheme along Bedford Road has been approved by the Local Planning Authority and no building shall be occupied until that scheme has been implemented in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.

21 No dwelling shall be occupied until a 3m wide footway/cycleway has been constructed along the frontage of the site with Bedford Road accordance with details of the approved drawing/or scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.

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

22 Development shall not begin until details of the improvements to the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.

23 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 43m 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. (HC8)

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).

- 24 Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval. (HC19)

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

## **INFORMATIVE NOTES TO APPLICANT**

1. 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.
2. The applicant is advised that while the Council has no reason to believe this site is contaminated, and is not aware of any potentially contaminative past use on site, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.
3. The applicant is advised to ensure that the definitive legal line of any public right of way is mapped at the earliest opportunity and that no development should take place on or near a public right of way unless the necessary statutory legal process (where necessary) has been completed in accordance with:-
  1. An order made, confirmed and certified under the provisions of Section 257 of the Town and Country Planning Act 1990
  2. An order made, confirmed and certified under the provisions of the Highways Act 1980
  3. An order made under any other relevant legislation concerning the modification, creation, diversion or extinguishment of a right of way.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The Council acted pro-actively through positive engagement with the applicant 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.