

<b>APPLICATION NUMBER</b>	<b>CB/17/05679/OUT</b>
<b>LOCATION</b>	<b>Land adjoining Dunstable Road and to the Rear of My Folly and the Scout Hut, Dunstable Road Caddington LU1 4AL</b>
<b>PROPOSAL</b>	<b>Outline Application: Residential development and associated infrastructure</b>
<b>PARISH</b>	<b>Caddington</b>
<b>WARD</b>	<b>Caddington</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Collins &amp; Stay</b>
<b>CASE OFFICER</b>	<b>Stuart Kemp</b>
<b>DATE REGISTERED</b>	<b>04 December 2017</b>
<b>EXPIRY DATE</b>	<b>05 March 2018</b>
<b>APPLICANT</b>	<b>Bedfordshire Land Promotions</b>
<b>AGENT</b>	<b>JLL</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called-in by Cllr Stay if the application is recommended for approval or refusal for the following reasons:</b>
	<b>Concerns over traffic calming &amp; traffic management Flooding concerns &amp; I believe that because of the level of local interest &amp; concern this is an application that should go before DMC to allow those views to be properly heard</b>
	<b>An objection has been received by Caddington Parish Council contrary to the recommendation to grant planning permission.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Recommended for Approval</b>

**Reason for Recommendation:**

Outline planning permission is sought for a residential development and associated infrastructure. Approval is being sought for the matter of access, with the remaining matters of appearance, landscaping, layout and scale for consideration at reserved matters application stage.

The site of the proposed dwellings is allocated in the South Bedfordshire Local Plan Review 2004 for residential development under Policy H1(19). The remainder of the site is allocated in the Local Plan as recreational land under Policy R8 and would contain a play area. The proposal is therefore acceptable in principle.

A policy compliant scheme of 14 affordable units (30%), with a tenure split of 10 units of affordable rent (73%) and 4 units of shared ownership (27%) would be delivered.

The proposed vehicular access to Dunstable Road is acceptable, and subject to the attachment of conditions to any planning permission granted, the proposal is acceptable in terms of its general highways impact and in terms of surface water impact.

A full judgement on the layout and design of the proposal, and the impact on the amenity of neighbouring and future occupants, can only be made when a subsequent reserved matters application is submitted.

### **Site Location:**

The application site of 2.1 hectares is an irregular shaped parcel of land to the north west of Dunstable Road. The site is currently vacant but was previously an agricultural smallholding occupied by a single dwelling ('My Folly'), a British Legion Hut (now demolished), and former clay workings.

The land generally falls 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 majority of the site is characterised by scrub land. There are a number of mature trees and previously a large stand of Japanese Knotweed which has now been removed from the site.

The site is made up of broadly two parcels of land:

- Parcel 1 (eastern section of the site) is a 'white' land site in the village of Caddington excluded from the Green Belt in the South Bedfordshire Local Plan Review. It is allocated for residential development (Policy H1(19)) in the Local Plan.
- Parcel 2 (western section of the site) is in the Green Belt but is allocated in the Local Plan as recreational land (Policy R8).

A public footpath FP9 runs just inside the north east boundary of the site.

There are two vehicular accesses to the site; the first was the former access to the dwelling 'My Folly' and the second is at the eastern end of the site.

The site wraps around a pair of semi detached dwellings (Nos. 80 and 82 Dunstable Road) and a Scout Hut, a simple brick built structure with a pitched roof.

To the north east of the site are allotments, part of which is also allocated for residential development under Policy H1(19). On the opposite side of Dunstable Road is the built up area of the village of Caddington, generally characterised by detached dwellings. To the north and west of the site is agricultural land either used for arable crops or grazing.

### **The Application:**

Outline planning permission is sought for a residential development and associated infrastructure.

Approval is being sought for the matter of access, with the remaining matters of appearance, landscaping, layout and scale for consideration at reserved matters application stage.

A Proposed Indicative Masterplan (plan RD1668-GA-300) has been submitted with the application which provides a layout including 47 dwellings within the H1(19) land and a play area in the R8 land.

Public footpath FP9 would be retained.

## **Relevant Policies:**

### **National Planning Policy Framework (NPPF), July 2018**

Section 2: Achieving sustainable development  
Section 4: Decision-making  
Section 5: Delivering a sufficient supply of homes  
Section 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places  
Section 13: Protecting Green Belt land  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment  
Section 16: Conserving and enhancing the historic environment

### **South Bedfordshire Local Plan Review, January 2004**

Policy BE8 Design Considerations  
Policy T10 Controlling Parking in New Developments  
Policy H1 Provision for Housing  
Policy H3 Meeting Local Housing Needs  
Policy H4 Providing Affordable Housing  
Policy R8 Proposed Area of New Urban Open Space in Caddington  
Policy R10 Children's Play Area Standard  
Policy R11 Provision of New Urban Open Space in New Residential Developments

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the Framework. It is considered that Policies BE8, H1, H3, H4, R8, R10 and R11 are broadly consistent with the Framework and carry significant weight. Policy T10 carries less weight but is considered relevant to the proposal.

### **Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

Policy SP1: Growth Strategy  
 Policy SP2: National Planning Policy Framework - Presumption in Favour of Sustainable Development  
 Policy SP4: Development in the Green Belt  
 Policy H1: Housing Mix  
 Policy H2: Housing Standards  
 Policy H4: Affordable Housing  
 Policy T1: Mitigation of Transport Impacts on the Network  
 Policy T2: Highway Safety and Design  
 Policy T3: Parking  
 Policy EE1: Green Infrastructure  
 Policy EE2: Enhancing biodiversity  
 Policy EE4: Trees, woodlands and hedgerows  
 Policy EE12: Public Rights of Way  
 Policy CC1: Climate Change and Sustainability  
 Policy CC3: Flood Risk Management  
 Policy CC5: Sustainable Drainage  
 Policy CC6: Water Supply and Sewerage Infrastructure  
 Policy HQ1: High Quality Development  
 Policy HQ2: Planning Obligations and the Community Infrastructure Levy  
 Policy HQ3: Provision for Social and Community Infrastructure  
 Policy HE1: Archaeology and Scheduled Monuments

### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide, March 2014

### **Relevant Planning History:**

Application Number	CB/18/03044/FULL
Description	New farm access to arable field
Decision	Conditional Planning Permission
Decision Date	18 January 2019

CB/15/04693/PAPC - Pre-application Charging Fee Advice Released: Erection of 50 dwellings (22 April 2016)

Application Number	CB/10/03478/OUT
Description	Outline application for 50 dwellings, with access off Dunstable Road
Decision	Undetermined as awaiting signature of S106 Agreement
Decision Date	

Application Number	CB/10/04245/SCN
Description	Development of 54 dwellings and access road
Decision	EIA not required
Decision Date	25 November 2010

Land at the Garden Allotments, Dunstable Road, Caddington (immediately to the north east of the application site):

Application Number	CB/10/04594/OUT
Description	Erection of residential development (approx 25 dwellings)
Decision	Withdrawn
Decision Date	10 February 2015

## Consultees:

Caddington Parish  
Council

Object to this application.

We have a number of concerns regarding;  
Site entrance,  
Scout hut,  
Park/Play area,  
Flooding,  
Traffic calming,  
Affordable homes.

*See below;*

The last application that was granted to develop the site, now known as Caddington Oaks, started in 2009 and in the period before it was granted permission a public meeting was held and the resolutions that came from the meeting are still relevant to the new application of today.

### Site entrance

We feel that this is dangerous and could cause severe problems when turning right towards Dunstable, with vehicles speeding around a corner up Dunstable Rd. Turning left towards the village, up over the new proposed zebra crossing, cars would have to slow down to go over the raised table straight after the entrance this would cause severe problems with vehicles coming up Dunstable Rd. We consider the single speed table too long – enabling cars to speed up whilst on it, so may be ineffective.

### Scout hut

We would like an assurance that the scouts will be treated in a considerate manner as they are the nearest neighbours to the new proposed development and in the nature of their activities there can be noise from rowdy children and in the future they will not be classed as anti-social neighbours and a noise nuisance. And if the application is granted a section would be written into the documentation protecting them.

We have concerns over child protection and safeguarding children as the scout site will be completely overlooked by neighbouring houses.

### Park/Play Area

Caddington Parish Council, at a full council meeting, decided that they did not want another park. We own three already and are struggling to fund equipment for them.

The site of this new proposed park seems to have an entrance coming straight onto Dunstable Rd carriageway, which would be very dangerous. Also, it is bordered on the other side with open water (swales). Again we consider this to be very dangerous.

Any new park would probably have a certain amount of funding for a certain number of years for maintenance and running costs but these monies would eventually cease and it would become a burden on tax payers of Caddington. So, if application for housing is granted, the parish would prefer any S106 monies to go to one of Caddington's other parks to upgrade/put new equipment in?

### Flood alleviation scheme

On the last granted application on the site, for 50 some odd dwellings, a flood alleviation scheme was negotiated and suited all stake holders. From Steve Thomas, Chief engineer at the time for Central Beds, Nick Calavello senior engineer for Amey, Thames water engineers, residents of the parish, the parish council and the applicant.

It consisted of retaining the onsite pond (to the North east side of the site) as a balancing pond with attenuation tanks. Overflow and road runoff went to the edge of the site on the R8 land where a system of ponds and swales dissipated the water before it got to Dunstable Rd.

It was deemed by the engineers mentioned that it would not be a practical solution to have a set of settlement ponds at Dunstable Rd end.

It was also suggested that straight flow through the site was not a good idea. It seems that we have both of these on the new plan. The straight through flow from one corner of the site to the other moves water too fast into the swale system and now the suggested new overflow pond, which will fill up quicker and add storm water faster into the Dunstable Rd system. This is not the way that water management was envisaged for the site. Slow water movement was the preferred option.

The lower end of the site Dunstable Rd and Mancroft Rd area suffers dramatically from flooding at present (and always has done) and we feel this development would make the situation worse. As the previous application felt it necessary to have the pond on the NE side of the site why has it been removed from this updated plan and where are the attenuation tanks to be sited?

There are more questions than answers on this application. We understand that outline planning is to only outline the basics, some form of schematics to outline sizes and dimensions would mean that we would not be asking the following questions.

What size will the underground pipe be, we take it will be 1.5 diameter the same as used in the area.

Where it joins the allotment land and leaves the site to the R8 land will there be brick culverts with metal grids to stop animals or children from getting in the pipes.

What will be the depth of the first ponds and swales.

What is the depth of the overflow pond and its subsequent dry overflow pond.

The latest figures show that last summer was a dry year. All data to support the new flood alleviation scheme was gathered then. If the site was viewed at the end of December/beginning of January when it was completely flooded and under water, which was clarified by one of Caddington ward officers - maybe a different system would be considered.

There is a major concern as to who will maintain the drainage system after the houses are built and what will be the frequency of maintenance. Regular maintenance will be absolutely vital.

Will there be a ditch on the farm side of the hedge border of the site to take water away from site (currently it floods from water from farmland).

We cannot support this application because we don't have enough answers. If we have missed these details please tell us in what books and their page details if not ask the applicant to update the application. We would hope that a more thorough and proper flood analysis and drainage plan will be included in the next stage of the application.

#### Traffic calming

Central Beds council agreed, on the last application, that off site traffic calming was needed by way of another raised table between Holly Farm Close and Mardle Close Dunstable Rd Caddington. Can we please have this re-incorporated into this application? Without it traffic would not be slow enough.

#### Affordable homes

The application is for 47 sellable dwellings. There are more sellable dwellings than the previous application

because there were 19 affordable homes on the last application. This outline does not show any affordable homes. The planning statement paragraph 4.36/ 4.42 gives the impression that the applicant could be looking for offsite provision or a financial contribution. We do not think that this is acceptable. We would like to see provision of affordable homes, as per CBC policy. Central Beds need social and affordable housing more than it needs reduced contributions.

In addition we have concerns for a number of other issues, which we know to be relevant;

Newts have been found on site in the last few months.

There is a public footpath to the North East of the site, which will need securely fencing off from the site.

As the site is so steep will there be a need for pile driving? – concern re. damage to foundations of neighbouring properties if so.

Query who will maintain all the trees and hedges on site after it is adopted?

Highways (Development Management) - Final Response

The application proposes the erection of 47 dwellings on land on the north-western side of Dunstable Road, Caddington. The site is allocated for residential development in the Local Plan (Policy H1, Site 19) and there is considerable history relating to it.

The application is in outline form with all matters, except means of access to be reserved for subsequent approval. In application number CB/10/3478/OUT this issue of the access had been fully investigated and reported. Subsequently I am satisfied with the arrangement.

The internal road layout comprises of a 4.8m wide carriageway which should be 5.5m and the parking bays by the main junction are too close. However, these matters can be dealt with in the detailed application.

It is noted that this application retains the existing Scout Hut and its access onto Dunstable Road. Given that these are shown to lie within the red edge of the application site, the opportunity should be taken to improve access to the Scout Hut by providing the appropriate levels of visibility. It is therefore suggested that visibility splays of 2.4 x 56m are provided in both directions at this access.

Notwithstanding the issue of adequate visibility, there is still an issue of excessive speed and considering the general increase in activity the development would promote there is merit in promoting initiative to lower



this speed. With this in mind a sum should be sought to go toward implementing some form of traffic management. For a scheme of this size I would consider that a sum of £45,000 would be appropriate and I will offer a Grampian condition to cover this.

Currently there is not a footway provision along the north-western side of Dunstable Road. In order to improve connectivity for pedestrians and link the development to the existing network, a 2.0 m wide footway should be provided across the whole of the site frontage. A pedestrian crossing is shown to be located some 32m north-east of the site access. Therefore the footway on the north-western side of Dunstable Road will need to extend to meet it.

Subject to the provision of a modified access junction to Dunstable Road, the provision of the requisite visibility splays at the junctions and the provision of a 2.0m wide footway as described above, the means of access to the site can be deemed to be acceptable.

However there are issues with the internal road layout which need to be addressed. As the layout is subject to reserved matter approval, these are capable of being resolved without refusing the outline application.

Of particular concern is the off-street parking provision and the lack of turning space at the end of the larger shared access way. With that I advise that the parking provision should be in accordance with the authority's standard but again this can be conditioned.

In a highway context it is recommend that conditions and informatives be included if planning approval is to be issued.

Trees and Landscape - Further to our site meeting following my previous  
Final Response consultation response, I now refer to the revised documents submitted, namely the Arboricultural Implications Report -Addendum, , dated September 2018, the revised Tree Protection Plan (Drawing No. SJA TPP 17 160-01b -Revision B), dated 3rd September 2018, both prepared by SJA Trees. Also submitted were the Appendix Add03 (Geotechnical Constraints) as prepared by BRD Environmental Ltd, (Ref BRD1718.let11), Appendix Add04 (Existing and Proposed Contour Plans), and Appendix 5 Arboricultural Impact Assessment (Soil Contamination), both prepared by SJA Trees.

I confirm that I now accept the findings provided by the additional information, and agree that there is no other alternative in respect of the loss of trees from this site. I therefore withdraw my earlier objection subject to the imposition of conditions.

## Landscape - Final Response

Given the sensitivity of the site setting in relation to the AONB – a national landscape designation of the highest standing and requiring similar protection afforded to National Parks - my original comments stand relating to need to avoid visual impact of change on the AONB and the intrusion of light at night time:

‘The LVIA is appreciated and views / assessment of impact of change covered in summer months is acceptable but views in winter months don't appear to be covered where leaf loss would reveal views to development especially from the AONB to the north west / west. Having revisited the site and surrounds to assess views in winter time - this is a concern.

The D&AS highlights the impact of light pollution with reference to CPRE light pollution mapping - which is a real positive - but the LVIA fails to assess potential impact of light on adjoining landscapes. including the AONB, and this is disappointing - Modern lighting within the public realm can be managed to reduce impact of lighting but alongside domestic lighting cumulatively can have a highly detrimental visual impact on dark landscapes and can extend the visual impression of development at night time

To mitigate visual impact of development on views from the AONB / local PROW, especially during winter months and at night time, the site area within the application 'red line' boundary to the north- north west of proposed built development must be included as a woodland shelter belt to assist in mitigating views and included as part of landscape management of associated POS, SuDS and play area.’

To ensure the protection of the setting of the AONB and to avoid detrimental impact of views on to development a treed shelterbelt is required to be included up to the north / north west 'red line' application site boundary to integrate development and mitigate visual intrusion.

## Ecology

Having read through the Ecological Appraisal there is no ecological objection to the proposal. The revised layout from that of the earlier application no longer retains the pond on site but instead provides for off site enhancements in the land to the west. These measures in addition to retention of boundary trees and hedgerows and green corridors through the site should deliver a net gain for biodiversity. To ensure mitigation and enhancement measures are achieved a condition requiring a landscape and ecological management plan (LEMP) should be applied.

## Public Protection

Topics considered:

Air Quality  
Contaminated Land  
Noise  
Light  
Odour

This application is for a site which was subject to a previous application (CB/10/03478) for a similar scheme (albeit a smaller site). This application was supported by a noise assessment which recommended mitigation in the form of glazing and ventilation. This current application appears not to be supported by such a report and no mitigation is suggested. I therefore object at this stage subject to receiving such information (perhaps we have time to receive this). It may be prudent to undertake a new assessment given the difference in site size, length of time since the last one and this could perhaps consider the noise from external scouting activities.

However, should you be minded to recommend approval of this application you may wish to consider placing a condition requiring noise attenuation measures - as well as a remediation strategy condition - on any permission.

## Archaeology

The proposed development site lies within a known prehistoric archaeological landscape that includes sites and of local and national importance (HER 16065, HER 2036 & HER 605). Under the terms of the *National Planning Policy Framework* (NPPF) these are heritage assets with archaeological interest.

Limited archaeological trial trenching of the proposed development site was undertaken prior to the submission of CB/10/03478/OUT and has demonstrated that there are few surviving below ground archaeological features at this location (Foundations Archaeology 2010). As a consequence the archaeological potential of this particular area is considered to be low and therefore if planning was granted for the proposals outlined in this application, there would be no archaeological constraint.

## Sustainable Growth

Sustainability Statement submitted in support of this application acknowledges policy requirements and states that the development will be designed to be energy efficient, deliver at least 10% of its energy from renewable or low carbon sources and achieve the higher water efficiency standard of 110 litres per person per day.

To ensure that these standards are achieved it is requested that a planning condition is attached.

## Self and Custom Build

The proposed site has a potential to deliver serviced plots for self and custom housebuilders registered on the Central Bedfordshire's Self and Custom Build Register. The Council is operating the Register since April 2016 and will look to support applications for the delivery of serviced plots in suitable locations and where the need can be demonstrated.

Currently there are 241 people registered on the Central Bedfordshire's self and Custom Build Register: 18 of them are looking for a plot located in the Caddington, Dunstable, Houghton Regis, Luton, Whipsnade and Studham area; 28 people are looking for a plot anywhere within Central Bedfordshire, and additional 161 would consider plot outside their preferred location. The developer is asked to deliver 10% plots as serviced plots within this development.

The Council's expectations for serviced plots delivery are:

- serviced plots should be located in an area that has its own direct access, independent from the rest of the development to allow for the self and custom build project to be delivered as early as possible within the development timescales and be independent from the rest of the development;
- all serviced plots have, or will be provided within a specified period (normally expected within 18 months of granting outline planning permission), access to a public highway and connection to electricity, water and waste water, and gas where the gas network is present in the area and connection is viable;
- all plots once delivered will be offered to people who are on the CBC Register first, before being marketed to a wider open market;
- each individual dwelling will be completed within 5 years of purchasing a plot or within 3 years of detailed planning permission being granted whichever comes sooner (these time limits are to protect local amenity and provide assurance to other self and custom builders that projects will be delivered within similar timescale).

The table below provides a summary of headline information from the Register and up to date count of permitted serviced plots (15/12/2017).

Level of demand from the Register		Permitted number of plots	
Total up to date	241	Total up to date	7
1 <sup>st</sup> period April to 30 <sup>th</sup> October 2016	73	Within delivery period 31 <sup>st</sup> October 2016 to 30 <sup>th</sup> October 2019	7
2 <sup>nd</sup> period 31 <sup>st</sup> October 2016 to 30 <sup>th</sup> October 2017	154	Within delivery period 31 <sup>st</sup> October 2017 to 30 <sup>th</sup> October 2020	0
3 <sup>rd</sup> period 31 <sup>st</sup> October 2017 to 30 <sup>th</sup> October 2018	14	Within delivery period 31 <sup>st</sup> October 2018 to 30 <sup>th</sup> October 2021	N/A
Location			
Number of people looking for a plot in the application's location or anywhere within CBC			46
Number of plots permitted within the above location			0
Number of people looking or willing to consider a plot outside their preferred location (in addition to people looking for a plot in the application's location or anywhere within CBC)			161

The Self Build and Custom Housebuilding Act 2015 (as amended) places a legal duty on Local Planning Authorities to operate a Register of people interested in self and custom housebuilding in their area and to grant permission for a sufficient number of serviced plots to match the demand demonstrated by the local Register. The Council has 3 years to meet the demand for each registration period, with first period ending on 30th October 2016 and subsequent 12 months periods starting on 31<sup>st</sup> October.

#### Strategic Housing - Final Response

Strategic Housing are supportive of the application. An email dated 5th February 2019 from the Planning Consultant to the Case Officer for the application confirms the application is now in full compliance of affordable housing policy. The application provides for 30% affordable housing, providing for 14 affordable units. The application also conforms with tenure requirements, with the provision of 73% affordable rent (10 affordable rented units) and 27% shared ownership (4 shared ownership units).

We would like to see the affordable units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. We would also expect the units to meet all nationally described space standards. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council. Strategic Housing are supportive of the application and expect the affordable housing to be secured through a S106 agreement.

Flood Risk Management We have no objection to the proposed development and consider that planning permission could be granted.

We have liaised with the applicants drainage consultant over many months and we are happy with the surface water drainage strategy submitted at this stage. Further work will be required at the detailed design stage to address specific concerns and we recommend a condition for a detailed surface water drainage scheme be attached to any permission.

Rights of Way - Final Response

I should point out that the s.106 request or the provision of the suggested new connecting route were alternatives, either - or. I was asked to provide the estimated calculation by the developer.

The requirement to consider public rights of way in this development application will be satisfied by the conditions previously requested. Basically these consist of upgrading the existing footpath no. 9 on the east side of the site, to provide a two-metre wide footpath in a four metre green corridor, such that the right of way is not encroached upon by any new planting or boundary features or by growth from the existing hedge / trees on the east side. The boundary features (new or existing) are maintainable by the landowner, under the provisions of the 1980 Highways Act, so must be maintained going forward as part of a management plan for the estate. Alternatively the land under the right of way should be part of each plot sold on, so that future responsibility for the boundaries is explicit.

The right of way should be surfaced in a non-bound, porous, compacted and blinded well-drained material that is suitable for wheelchairs and children's buggies as well as walking, retained by gravel boards over a sub-base and 'Terram' layer. The right of way should be offset from the hedge / tree line (and can meander slightly within the green corridor), to avoid encroachment from the existing mature trees. New planting should be setback from the edge of the walkable surface. The right of way should not be hemmed-in behind close boarded fencing but should be overlooked if possible to reduce anti-social behaviour, and provision should be made to prevent car-parking etc. on the right of way. The residents of the new properties should be able to access the right of way. Any slopes / gradients, should ideally be less than 1 in 20 and never more than 1 in 14 in this type of location. The relationship of the right of way to the development should be broadly one of open-aspect. Care should be taken to ensure visibility for path users at road crossing points and at the junction of the public footpath with the footway of Dunstable Road. A road-safety barrier or two staggered barriers at the Dunstable Road end of footpath 9 are acceptable; or anti-motorcycle bollards / features of suitable construction, but the minimum gap for walkers

etc. must be no less than 1.0 metres, around or between the features installed. Gates or stiles across the right of way are unacceptable as these can legally only be licenced for livestock control.

The right of way must be protected and maintained, and be available safely during the development process or if required to be closed, a timely application for a temporary Traffic Regulation Order made to myself using the form on our website. A TTRO takes seven weeks to process so application should be made between 7 and 12 weeks before the requested commencement date. A temporary alternative route should be provided if at all possible, if the route has to be closed, which can be through the site if construction is complete or can safely be segregated, or on other highways.

Any plans produced, e.g. for application for the discharge of reserved matters, must show the legal line of right of way with:

- \* the design of the access (to include the agreed details of width, surfacing, boundary features, public safety features, bridges / culverts etc., and landscaping).
- \* the TIMELY application to this council for temporary closure and alternative route provision (where necessary) of any existing public right of way during construction or advance works (TTRO).

## Waste Services

The Council's waste collection pattern for Caddington is as follows:

Week 1 – 1 x 240 litre residual waste wheelie bin, 1 x 45l glass box

Week 2 – 1 x 240 litre recycling wheelie bin, 1 x 240 litre garden waste wheelie bin

Please note that bins are chargeable for all properties and developers will be required to pay for all required bins prior to discharging the relevant condition. Our current costs for these are: £25 +VAT per 240l bin.

Wherever possible, refuse collection vehicles will only use adopted highways. If an access road is to be used, it must be to adoptable standards suitable for the refuse vehicle to manoeuvre safely around site. Typically, until roads are adopted, bins are to be brought to the highway boundary or a pre-arranged point. If residents are required to pull their bins to the highway, a hard standing area needs to be provided for at least 2 wheelie bins per property. However, householders should not be expected to transport waste bins over a distance greater than 25m. Bins must not encroach on or cause a hazard or obstruction to the public highway. Waste vehicles will reverse a maximum of 15m to the point of collection.

If there are any flats as part of the development the following information applies. Communal waste provision is allocated on the basis of 90l per week per waste stream per property; therefore we would provide 1100 litre, 660 litre or 360 litre bins to be collected weekly. These will be charged at £350 + VAT per 1100l / £250 + VAT per 660l / £35 + VAT per 360l bin. Our waste collection crew will move communal bins a maximum of 10m from the bin store to the waste collection vehicle, providing there are suitable dropped kerbs.

Bin stores should be easily accessible from the main highway and it is crucial that the store is secure with a lock to prevent potential fly tipping issues. A lock code will need to be provided to the Central Bedfordshire Waste Services Team. The door used by the collection crews will need to be wide enough to allow for easy removal of bins from the storage area. A dropped kerb will need to be provided to enable easy manoeuvrability, access and egress of the bins. The crew are not expected to move the bins over any undulating, non paved, uneven surface, or where the gradient is deemed excessive. Lighting within the bin store should be provided so that the bins can be used safely by residents when it is dark.

Environment Agency

No objection.

#### Flood Risk / Surface Water Drainage

Please consult the Lead Local Flood Authority (LLFA).

#### Contamination

The site is located above a Principal Aquifer and within Source Protection Zone (SPZ) 3. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination, which can be found here: <https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>

#### Infiltration Sustainable Drainage Systems (SuDS)

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. If the use of deep bore soakaways is



proposed, we would wish to be re-consulted. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13 which can be found here: <https://www.gov.uk/government/collections/groundwater-protection>. In addition, they must not be constructed in ground affected by contamination.

The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to surface waters or groundwater.

Education Spending Officer

The education spending officer has requested a contribution of £532,305.22 to mitigate the impacts of the development on local schools. It is suggested that the contribution go towards the expansion of Caddington Village Primary school and towards the expansion Manshead Secondary school.

Community Halls Spending Officer

The community halls spending officer has requested a contribution of £77,239 towards community facilities, it is suggested that the contribution be split between projects for the local scout group and towards a new village hall.

Meeting the Accommodation Needs of Older People (MANOP)

#### Demand

The proposed development falls within the Chiltern Vale locality and the Caddington ward. Chiltern Vale has a total population of 77,900 and 6,070 of these residents are aged over 75 years. This is forecast to rise to 9,934 by 2030. Delivering accommodation suitable for older people is therefore a priority for Central Bedfordshire Council.

In 2013 the Caddington ward had 9,100 residents and 25% of its population was over 65 years old. For the same area 14.5% of households consist of one person of 65 years of age and over and 12.3% of households have more than one occupant, all of who are aged 65 and over. In 2011 18.8% of the population in this ward were retired, which is above average for Central Bedfordshire (13.5%) and England (13.7%).

The number of older residents in this ward and the predicted rise in the people over 65 in the Chiltern Vale area demonstrates that there is likely to be demand for mainstream housing that is specifically designed for older people and for specialist accommodation for older people, such as residential care homes and housing with care and support available such as extra care developments.

If older people live in accommodation that does not meet their needs it can have an adverse impact on their health and well-being. In 2011 in the ward of Caddington 7.0% of residents stated that their day to day activities were limited a lot due to a long term health condition or disability and a further 9.9% of residents said they were limited a little. This highlights the need to have more accommodation available for older people that enables them to live independently within the community.

It would therefore be beneficial that a proportion of the dwellings proposed were designed to be suitable for older people, taking into account their needs, expectations and aspirations.

### Design and layout

With good design, mainstream housing can be suitable for older people at little or no additional cost to the developer. Indeed where housing is designed to be specifically for older people it may be acceptable to have reduced provision in some aspects such as outdoor amenity space.

### Summary

Our view is that the needs of older people should be considered as part of this proposal and, should the proposal be acceptable in principle, we would support a proportion of houses in the scheme being suitable for older people.

Bedfordshire Fire and  
Rescue Service

Although this should normally be dealt with at Building Regulations consultation stage, I would like to draw the developer's attention to the requirements of Building Regulations "Approved Document B (Fire Safety) Volume 1 - Dwellinghouses" or "Volume 2 – Buildings other than dwellinghouses" as appropriate, particularly 'B5 - Access and Facilities for the Fire Service', to ensure compliance is met and specifically as below with respect to dwelling houses:-

- Vehicle access for a pump appliance to within 45m of all points within a dwelling house;
- Turning facilities should be provided in any dead end access route that is more than 20 m long. This can be by a hammerhead or turning circle, designed on the following table.

Vehicle Access Route Specification:-

Vehicle Access Route Specification:- Table 2 : Typical Vehicle Access Route Specification

(\*\*Based on Bedfordshire FRS vehicles)

Appliance Type	Minimum Width of Road between Kerbs (m)	Minimum Width of Gateways (m)	Minimum Turning Circle between Kerbs (m)	Minimum Turning Circle between Walls (m)	Minimum Clearance height (m)	Minimum Carrying Capacity (tonne)**
Pump	3.7	3.1	16.8	19.2	3.7	18.0
High Reach	3.7	3.1	26.0	29.0	4.0	26.0

If the criteria for fire appliance access to within 45 metres as set out above cannot be reached for residential premises, the Building Control and Fire Authority should be consulted at an early stage, as alternative arrangements may be acceptable. Typically, this is either because the new site is landlocked or because the new access is too narrow to get an appliance close enough.

The following options are available if access is within:-  
 45 - <60 metres - Domestic/residential sprinklers required;  
 60 - 90 metres - Domestic/residential sprinklers and a fire hydrant installed immediately by the access driveway;  
 Over 90 metres - Not acceptable

B. We would ask that fire hydrants are installed in number and location at the developer's cost as follows:-

On a residential site we will need one hydrant at least every 180 metres – with no property further than 90 metres from the nearest hydrant. The minimum flow should be as described in the National Guidance Document published by UK Water and the Local Government Association.

**Other Representations:**

Neighbours 10 representations making comments and 6 representations objecting to the proposal were received:

- Proposed site access is on a bend with restricted visibility.
- Need to ensure security of allotment site.
- Existing ditches, drains and main sewers currently inadequate and regularly overloaded. On site flooding. Flooding and significant damage to houses in our community will be the result unless proper plans to address these issues are put in place.
- Road safety concerns. Traffic calming measures needed.
- Speed calming designs need to be adhered to.
- Major traffic disruption.
- Japanese Knotweed issue needs to be resolved before any construction takes place.

- Need to ensure construction process is properly managed.
- Loss of trees.
- Village infrastructure unable to cope.
- No need for further housing.
- Proposed two storey buildings out of character.
- Overdevelopment.
- No intention of Scouts to relocate.
- The safeguarding and security of children in the Scout Hut needs to be guaranteed.
- Great Crested Newts need to be protected.
- Are roads and communal areas going to be adoptable by CBC?
- Will the cost of the play area be ultimately charged to the residents of Caddington.
- Who will maintain buffer zones?

### **Determining Issues:**

The main considerations of the application are:

1. Principle of Development and Housing Mix
2. Affordable Housing Provision and Section 106 Requirements
3. Highway Considerations
4. Surface Water Impact
5. Layout and Design
6. Impact on Amenity of Neighbouring and Future Occupants
7. Impact on Trees
8. Rights of Way
9. Impact on Archaeology
10. Impact on Ecology
11. Other Considerations

### **Considerations:**

#### **1. Principle of Development and Housing Mix**

- 1.1 The application site is made up of broadly two parcels of land.
- 1.2 Parcel 1 (the eastern section of the site) is a 'white' land site in the village of Caddington excluded from the Green Belt in the South Bedfordshire Local Plan Review. It is allocated for residential development (Policy H1(19) Land at Dunstable Road and Folly Lane) in the Local Plan. A total of 3.76 hectares of land is allocated for 80 dwellings, which also includes a site of allotments to the north east of the application site.
- 1.3 The supporting text in Policy H1(19) indicates that the '*site is suitable for a medium density scheme*' but that any 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 matter of surface water discharge is considered below.
- 1.4 The Proposed Indicative Masterplan (plan RD1668-GA-300) submitted shows that all of the proposed housing development would be on the allocated H1(19) land.

- 1.5 It is also noted that the allocated land was previously the subject of an outline planning application for 50 dwellings (reference CB/10/03478/OUT) which the development management committee resolved to approve in July 2012 but this application remains undetermined as the S106 Agreement has not been signed.
- 1.6 It is noted that the most recent Five Year Land Supply Statement for the five year period commencing 1 January 2019 demonstrates a 5.71 years supply of deliverable housing sites. The delivery of housing on the application site would support the Council's ongoing housing land supply.
- 1.7 The mix of housing shown on the Indicative Masterplan is:
- |                 |          |
|-----------------|----------|
| 1 bed apartment | 2 units  |
| 2 bed apartment | 3 units  |
| 2 bed house     | 17 units |
| 3 bed house     | 16 units |
| 4 bed house     | 9 units  |
| <br>            |          |
| Total           | 47 units |
- 1.8 This mix accords with Local Plan Policy H3 which requires development on sites listed in Policy H1 or elsewhere within the built-up areas to have the proportion of 1 or 2 bedroom dwellings to not be less than 33% of the total dwelling provision.
- 1.9 Parcel 2 (the western section of the site) is in the Green Belt but is allocated in the Local Plan as recreational land (Policy R8). The policy states this land *'is proposed as urban open space to meet the recreational needs of the village (of Caddington) and residents of the new housing area'*. A play area of circa 400 sq m is proposed in this area. This would accord with Local Plan Policy R10 which requires new residential developments of 20 to 49 houses to have 340 sq m of play space.
- 1.10 The proposed development conforms with the allocations in Local Plan Policies H1 and R8 for residential and recreational uses respectively, and is therefore acceptable in principle. The proposed mix of housing accords with Policy H3 and is also acceptable.

## **2. Affordable Housing Provision and Section 106 Requirements**

- 2.1 An Affordable Housing: Guidance Note for Central Bedfordshire (South Area) was endorsed by Central Bedfordshire Council's Executive on 5 April 2016 as interim guidance whilst the Central Bedfordshire Local Plan is being prepared. This states a proposed target of 30% affordable housing on sites of four dwellings and above. This has been superseded by the National Planning Practice Guidance (NPPG) which removed the requirement for affordable housing on sites of 9 dwellings or less.
- 2.2 Initially a scheme was presented that provided 3 affordable units (6%). This was supported by a Viability Assessment (Peter Brett Associates, December 2017). Central Bedfordshire Council appointed Aspinall Verdi to independently review the Viability Assessment. After a period of negotiation of almost 10 months and the production of several reports / letters by Peter Brett Associates and Aspinall Verdi, a position has been reached whereby a policy compliant scheme of 30% (14 affordable units) has been agreed by the applicant. The scheme also conforms with tenure requirements, with the

provision of 73% affordable rent (10 units) and 27% shared ownership (4 units).

- 2.3 In terms of S106 requirements, as detailed above a contribution of £45,000 is required for off site highways works (traffic calming). In addition a contribution of £532,305.22 has been agreed towards education (consisting of £45,108.53 towards early years provision, £210,506.94 towards primary school provision and £276,689.65 towards secondary school provision), and a contribution of £77,239.80 has been agreed towards community / village hall. In addition the application includes the provision of an onsite play area and associated management.
- 2.4 The S106 shall also require the provision, management and maintenance of the play area.
- 2.5 Any planning permission granted therefore needs to be subject to the completion and signing of a S106 Agreement requiring the provision of affordable housing as outlined, off site highways works, and the play area.

### **3. Highway Considerations**

- 3.1 As stated above, this outline application seeks approval for the matter of access. Highways (Development Management) are satisfied with the proposed vehicular access to Dunstable Road located at the north eastern end of the site.
- 3.2 There is an issue of excessive speed on Dunstable Road and considering the general increase in activity the development would create there is merit in promoting initiatives to lower this speed. In view of this traffic management measures should be implemented. For the scheme proposed, a sum of £45,000 is appropriate and will be secured by a S106 Agreement.
- 3.3 Overall, the proposal is acceptable in highway terms subject to conditions in respect of details of the junction and the provision of visibility splays being attached to any planning permission granted.
- 3.4 The requested condition in respect of visibility splays being provided at the junction of the Scout Hut access shall not be attached as the Scout Hut and its access are not in the application site.

### **4. Surface Water Impact**

- 4.1 Whilst the site is in Flood Zone 1 on the Environment Agency's flood plain map which is described as having a 'low probability' of flooding, surface water flooding has affected the local area.
- 4.2 A Flood Risk Assessment (FRA) (Peter Brett Associates, October 2017) has been submitted in support of the application which outlines an indicative surface water management strategy for the proposed development with the aim of reducing the amount of runoff entering the local ditch network and reducing flood risk at a hotspot in Dunstable Road.
- 4.3 The CBC Flood Risk Management section are satisfied with this strategy and have no objection to the proposal subject to a condition requiring a detailed surface water drainage scheme for the site including a management and maintenance plan to be attached to any planning permission granted.

## **5. Layout and Design**

- 5.1 The proposal needs to accord with South Bedfordshire Local Plan Review Policy BE8 which requires development to complement and harmonise with the local surroundings and should be considered in light of the guidance and principles in the Central Bedfordshire Design Guide.
- 5.2 As appearance, landscaping, layout and scale are reserved matters, a full judgement on the layout and design of the proposal can only be made when such an application is submitted.
- 5.3 The Chilterns Area of Outstanding Natural Beauty (AONB) extends close to the north and west of the site. As stated in the Landscape consultation response, the visual impact of development on views from the AONB, especially during winter months and at night time, need to be mitigated. This can be achieved by the provision of a woodland shelter belt within the R8 land part of the application site, adjacent to the west and north west boundaries. The shelter belt needs to be entirely outside the rear gardens of the proposed dwellings. Such an area, over 15m in width, is shown on Proposed Indicative Masterplan (plan RD1668-GA-300). The detail of the shelter belt will be required with the Reserved Matters application.

## **6. Impact on Amenity of Neighbouring and Future Occupants**

- 6.1 The proposal needs to accord with South Bedfordshire Local Plan Review Policy BE8 which requires development to not have an unacceptable adverse effect upon general or residential amenity and privacy, and Section 5 (Residential Development) of the Central Bedfordshire Design Guide.
- 6.2 Appearance, layout and scale are reserved matters. Therefore in the absence of elevation and floor plans for the proposed dwellings, and not having information on building height and window positions etc, a full judgement of the impact of the proposal on the amenity of existing and future neighbouring occupants can only be made when a reserved matters application is submitted.
- 6.3 There is no existing residential development bordering the site. The occupants of the dwellings on the opposite (south east) side of Dunstable Road are unlikely to be affected in terms of matters such as loss of light, loss of privacy, or overbearing impact. Similarly the pair of semi detached dwellings (Nos. 80 and 82 Dunstable Road) are too distant (in excess of 80m) from the H1(19) part of the application site proposed for residential development to be adversely affected.
- 6.4 The Proposed Indicative Masterplan (plan RD1668-GA-300) suggests that private amenity space for the proposed dwellings accords with the requirements of the Design Guide. Also a substantial area of communal outdoor space would be provided in the R8 recreational land part of the site.
- 6.5 A condition should be attached to any planning permission granted requiring details of noise attenuation measures to protect future occupants from noise generated by outdoor activities at the Scout Hut.

## **7. Impact on Trees**

- 7.1 The initial consultation response of Trees and Landscape raised an objection in respect of the loss of 'Category 'B' trees. Following this an Addendum to the Arboricultural Implications Report (SJA Trees, September 2018) was submitted.

7.2 This Addendum enabled the Trees and Landscape section to accept there is no alternative in respect of the loss of the five Category 'B' oak trees and they therefore withdrew their objection subject to conditions to ensure tree protection and landscape planting being attached to any planning permission granted.

## **8. Rights of Way**

8.1 A public footpath FP9 runs just inside the north east boundary of the site. The Proposed Indicative Masterplan (plan RD1668-GA-300) shows this footpath to be retained.

8.2 The consultation response of Rights of Way suggests improvements to the public footpath to provide a 2 metre wide surfaced path with a clear minimum 4 metre wide landscape buffer/green corridor to avoid the path becoming narrow and enclosed, by property fencing or existing or new planting. This can be achieved by a condition attached to any planning permission granted.

## **9. Impact on Archaeology**

9.1 The site lies within a known prehistoric archaeological landscape that includes sites and of local and national importance (HER 16065, HER 2036 & HER 605). Previous archaeological trial trenching of the site, as reported in the Archaeological Evaluation (Foundations Archaeology, 13 April 2010) submitted in support of the application, has demonstrated that there are few surviving below ground archaeological features at this location. As such the archaeological potential of this particular area is considered to be low and consequently there is no archaeological constraint to the development of the site.

## **10. Impact on Ecology**

10.1 The proposal includes an area of new habitats of value to wildlife within the R8 land in the western section of the site. These measures in addition to the retention of boundary trees and hedgerows, and green corridors through the site, should deliver a net gain for biodiversity. To ensure mitigation and enhancement measures are achieved a condition requiring a Landscape and Ecological Management Plan (LEMP) should be attached to any planning permission granted.

## **11. Other Considerations**

### **11.1 Response to Parish Council and Neighbour objections**

Most of the matters raised are considered in the discussion above.

The Parish Council state that they do not want another park, and that they own three already and are struggling to fund equipment for them. They also raise concerns in respect of the maintenance and running costs. In response, and as stated above, there is a requirement in Local Plan Policy R10 for new residential developments to provide play space. As mentioned above, the S106 Agreement shall require the provision, management and maintenance of the play area.

The Parish Council raise a concern that the Proposed Indicative Masterplan (plan RD1668-GA-300) appears to include an entrance to the play area in the R8 land coming straight onto Dunstable Road carriageway. In response, it is acknowledged that the plan shows a gap in the hedge; however, this is not intended to be an entrance. As layout is not a matter for consideration



at outline stage, the layout should be updated with any subsequent reserved matters application to show this 'entrance' omitted.

## 11.2 Human Rights and Equality Act Issues

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

### **Recommendation:**

That Planning Permission be GRANTED subject to the signing of a S106 agreement and the following planning conditions:

### **RECOMMENDED CONDITIONS**

- 1 No development shall take place until approval of the details of the appearance, landscaping, layout and scale of the development (herein called "the reserved matters") has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To comply with Part 3 Article 6 of the Town and Country Planning (General Development Procedure) Order 2015.

- 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 **No above ground construction of the development hereby approved shall take place until samples of all external materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved samples.**

**Reason: To control the appearance of the development in the interests of the visual amenities of the locality.  
(Section 12, NPPF and Policy BE8, SBLPR)**

- 4 **No above ground construction of the development hereby approved shall take place until details of the junction between the proposed access road and Dunstable Road (the highway) have been submitted to and approved in writing by the Local Planning Authority and no dwelling 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.  
(Section 9, NPPF)**

- 5 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.

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

(Section 9, NPPF)

- 6 Visibility splays shall be provided at all road junctions within the site. The minimum dimensions to provide the required splay lines shall be 2.4m 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 junctions in the interest of road safety.

(Section 9, NPPF)

- 7 **No construction of the development hereby approved shall take place 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.**

**(Section 9, NPPF)**

- 8 Prior to and during construction of the development hereby approved, all site supervision, tree protection requirements and special construction operations, as set out in Appendix 2 "Protection of Retained Trees" of the Arboricultural Implications Report dated July 2017, (Ref. SJA air 17160-01a) and the revised "Tree Protection Plan" (Drawing No. SJA TPP 17 160-01b Revision B), which forms Appendix Add06 of the Arboricultural Implications Report - Addendum, dated September 2018, as prepared by SJA Trees, shall be fully implemented. The protective fencing and ground protection shall then remain securely in position throughout the entire course of development works.

Reason: To ensure the satisfactory protection of retained trees from all development activity, in the interests of securing their health, stability, amenity and ecological value.

(Section 15, NPPF)

- 9 **No above ground construction of the development hereby approved shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been 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 in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

**Reason:** To ensure an acceptable standard of landscaping.  
(Sections 12 & 15, NPPF)

10 No above ground construction of the development hereby approved shall take place until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:** To ensure ecological mitigation and enhancement measures are achieved.  
(Section 15, NPPF)

11 No above ground construction of the development hereby approved shall take place until a scheme of noise attenuation measures has been submitted to and approved in writing by the Local Planning Authority. This shall ensure that internal noise levels from outdoor activities at the neighbouring Scout Hut and other external noise sources including road traffic do not exceed 35 dB LAeq, 07:00 – 23:00 in any habitable room or 30 dB LAeq 23:00 – 07:00 and 45 dB LAmax 23:00-07:00 (based on the 10th highest measured LAmax level) inside any bedroom, and that external noise levels from external road traffic noise sources shall not exceed 55 dB LAeq, (16hr) in outdoor amenity areas. Any works which form part of the scheme approved by the Local Planning Authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing

before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Local Planning Authority.

Reason: To protect the residential amenity of any future occupants.  
(Section 15, NPPF and Policy BE8, SBLPR)

- 12 **No construction of the development hereby approved shall take place until a remediation strategy to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall follow the recommendations in the previously submitted BRD Environmental Ltd report dated October 2017 (Ref: BRD1718-OR6-A). The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.**

**Reason: To protect human health and the environment.  
(Section 15, NPPF)**

- 13 Prior to any permitted dwelling being occupied a validation report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment.  
(Section 15, NPPF)

- 14 The development shall be designed to the following standards:
- 10% regulated energy demand to be secured from renewable or low carbon sources;
  - all dwellings should achieve water efficiency standard of 110 litres per person per day; and
  - all dwellings to be designed to avoid or minimise risk of overheating.

Reason: To ensure management of the site in an environmentally considerate manner.  
(Section 2, NPPF and Policy BE8, SBLPR)

- 15 **No construction of the development hereby approved shall take place until a detailed surface water drainage scheme for the site including a management and maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The scheme design shall be based on sustainable drainage principles in accordance with the Council's Sustainable Drainage SPD and an assessment of the hydrological and hydro geological context of the development. The scheme shall be implemented in accordance with the approved details 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.**

**(Section 14, NPPF)**

16 **No above ground construction of the development hereby approved shall take place until a scheme for the provision of public footpath no. 9, Caddington has been submitted to and approved in writing by the Local Planning Authority. This shall include:**

- **the design of access and public footpath no.9 (to include details of width, surfacing and landscaping);**
- **proposals for the diversion of public footpath no. 9 and other public rights of way (where necessary); and**
- **the temporary closure and alternative route provision (where necessary) of public footpath no. 9 or another existing public right of way during construction or advance works.**

**The public rights of way scheme submitted should be in accordance with Central Bedfordshire 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.  
(Sections 8 & 9, NPPF)**

17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers RD1668-SA-100, RD1668-SA-101, RD1668-SA-002, 39449/5501/04 Revision C and 39449/5501/05 Revision A.

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

18 The development hereby approved shall not exceed a maximum total of 47 dwellings.

Reason: For the avoidance of doubt and in order to ensure that the development does not result in an overdevelopment of the site and to protect the character and appearance of the area (Chapter 12 NPPF, BE8 SBLPR).

**INFORMATIVE 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 National Planning Policy Framework (NPPF).
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 Ampthill Road, Bedford MK42 9BD 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 in order to comply with Condition 4 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
- 5. 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, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
- 6. 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 applicant and the Council engaged in discussion and negotiation at pre-application and application stages which led to improvements to the scheme. The applicant and the Council have therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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