

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

DRAFT DECISION NOTICE

The following conditions and informatives are to be imposed under the proposed planning permission.

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).

INFORMATIVES

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

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.