

Item No. 10

APPLICATION NUMBER	CB/18/02275/FULL
LOCATION	Land At Former Church Of St Vincent, Tithe Farm Road, Houghton Regis
PROPOSAL	Erection of 12 dwellings with associated access, parking, landscaping and amenity space
PARISH	Houghton Regis
WARD	Tithe Farm
WARD COUNCILLORS	Cllr Swain
CASE OFFICER	Sarah Tucker
DATE REGISTERED	03 July 2018
EXPIRY DATE	02 October 2018
APPLICANT	Lime Properties Limited
AGENT	McLoughlin Planning
REASON FOR COMMITTEE TO DETERMINE	Cllr Tony Swain called in the application on the following grounds: 3 storey dwellings out of keeping with the area, does not meet design guides for parking, overlook play area reducing safety and security of children
RECOMMENDED DECISION	Full Application – Recommended for Approval

Recommendation:

That Planning Permission be APPROVED subject to the following to the signing of a S106 agreement:

RECOMMENDED CONDITIONS

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

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

- 2 **No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building in the interests of the visual amenities of the locality.
(Section 12, NPPF)**

- 3 Notwithstanding the details on submitted plan 5829/P/10 Rev A, a scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

(Section 12, NPPF)

- 4 The dwellings hereby approved shall not be occupied until details of the bin collection areas have been submitted to and approved in writing by the Local Planning Authority and the bin collection areas have been implemented in accordance with the approved details. The bin collections areas shall be retained thereafter.

Reason: In the interest of amenity.

(Section 12, NPPF)

- 5 **No development shall take place until details of a scheme of environmental mitigation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.**

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation.

(Section 15, NPPF)

- 6 **No development shall take place until details of the method of disposal of surface water drainage have been submitted to and agreed in writing by the Local Planning Authority, including any land drainage system. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been implemented.**

Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.

(Section 14, NPPF)

- 7 All tree work and protection requirements shall be carried out in strict accordance with Section 6.0 "Recommendations/Tree Protection Strategy", Appendix 2 "Survey Schedule" and Appendix 3 "Tree Constraints/Protection Plan" of the supporting document "Tree Survey Report -Pre Development" dated March 2018 and prepared by RGS Arboricultural Consultants. The tree protection fencing shall remain securely in position throughout the entire course of development works.

Reason: To ensure the protection of trees and hedgerows to be retained, and to avoid unnecessary damage to their root systems.

(Sections 12 & 15, NPPF)

- 8 **No equipment, machinery or materials shall be brought on to the site for the purposes of development until details of substantial protective fencing for the protection of any retained tree(s), has been submitted to and approved in writing by the Local Planning Authority and the fencing has been erected in the positions shown on Tree Survey Report- Pre Development March 2018, specifically Sections 6, Appendix 2 and Appendix 3. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.**

Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended.

(Sections 12 & 15, NPPF)

- 9 Notwithstanding the submitted plans, no development 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 development other than that required to be carried out as part of an approved scheme of remediation shall take place until conditions (a) to (d) below have been complied with, unless otherwise agreed in writing by the Local Planning Authority. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
A survey of the extent, scale and nature of the contamination;

An assessment of the potential risks to:

Human health

Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes

Adjoining land

Ground waters and surface waters

Ecological systems

Archaeological sites and ancient monuments

An appraisal of remedial options, and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local

Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. (Section 15, NPPF)

- 11 Development shall not begin until a scheme to relocate parking space number 8 within the confines of the site has been approved by the Local Planning Authority and no building shall be occupied until that parking space has been constructed in accordance with the approved details.**

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

- 12 No dwelling shall be occupied until Short Path has been constructed to a width of 3.0m wide with a 1.8m by 1.8m intervisibility splay along the western boundary of the application site in accordance with details of the approved drawings 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.

- 13 **No development shall take place until details of the junction between the proposed estate road and the highway have been submitted to and approved in writing by the Local Planning Authority. 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.

(Section 94, NPPF)

- 14 No dwelling shall be occupied until visibility splays have been provided at the junction of the estate road with the public highway. The minimum dimensions to provide the required splay lines shall be 1.8m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 1.8m measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site and shall be maintained thereafter free of any obstructions to visibility.

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).

(Section 94, NPPF)

- 15 The new access shall not be brought into use until details showing the closing of any existing accesses within the highway frontage of the land to be developed, not incorporated in the access hereby approved have been submitted to and approved in writing by the Local Planning Authority and the accesses have been closed in accordance with the approved details.

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

(Section 94, NPPF)

- 16 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: 5829P/01, 17667-Topo, 582/P/05 A, 5829/P/10 A, 5829/P/20, 5829/P/71, 5829/P/72, 5829/P/73, 5829/P/74, 5829/P/75, 5829/P/80, 5829/P/81, 5829/P/82, SP01

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

INFORMATIVE NOTES TO APPLICANT

1. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ.
2. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
3. You are advised that the grant of permission does not supersede the need to take due care in respect of tree protection and tree surgery works and that all works on or adjoining the site should be undertaken in accordance with recognised Codes of Practice, particularly the standards set out in BS3998 (1989).
4. The Council does not accept materials are their offices. Where there is a requirement for materials to be submitted to and approved in writing by the Local Planning Authority, please contact the Case Officer to arrange for them to be viewed, usually this will be on site.
5. **Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.**
6. The applicant and the developer are advised that this permission is

subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

7. 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.

**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.