

**Item No. 13****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>SB/09/00032/TP</b>
<b>LOCATION</b>	<b>Land Rear Of, 62-64 Luton Road, Toddington</b>
<b>PROPOSAL</b>	<b>Erection of one detached one-bedroom bungalow.</b>
<b>PARISH</b>	<b>Toddington</b>
<b>WARD</b>	<b>Toddington inc Chalton</b>
<b>WARD COUNCILLORS</b>	<b>Cllr J Machin &amp; Cllr T Nicols</b>
<b>CASE OFFICER</b>	<b>Nicola McPhee</b>
<b>DATE REGISTERED</b>	<b>20 January 2009</b>
<b>EXPIRY DATE</b>	<b>17 March 2009</b>
<b>APPLICANT</b>	<b>Mr D Thierens</b>
<b>AGENT</b>	<b>Triad Planning &amp; Design Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Parish Council Objections</b>
<b>RECOMMENDED DECISION</b>	<b>Grant Planning Permission</b>

**Site Location:**

The application site is located close to the centre of the village of Toddington and consists of part of the rear gardens of Nos. 62 & 64 Luton Road. The site measures 15m in width and 12m in depth and has an electrical substation to the west, with private gardens to the north and east. The Southern boundary is the highway, The Crescent, which is currently defined by a 1.5m high hedge.

**The Application:**

The application seeks permission for the erection of one detached bungalow which would measure 7m in width by approximately 8.4m in depth. The dwelling would have one bedroom and be situated 1m from the rear boundaries of numbers 62 and 63 Luton Road.

A side garden would measure approximately 11m in depth by 6.4m in width. Parking would be provided on the driveway which would be 5.0 metres wide.

**RELEVANT POLICIES:****National Policies (PPG & PPS)**

**PPS1 - Delivering Sustainable Development**

**PPS3 - Housing**

**Regional Spatial Strategy****East of England Plan (May 2008)**

**ENV7 - Quality in the Built Environment**

**Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)**

**South Bedfordshire Local Plan Review Policies**  
**BE8 - Design Considerations**  
**H2 - Making Provision for Housing via “Fall-in” Sites**  
**H8 - Control of Extensions to Dwellings**  
**T10 - Controlling Parking in New Developments**

**Planning History**

**SB/OUT/07/1059**            **Erection of detached dwelling – Refused.**  
**SB/OUT/07/1349**            **Erection of detached bungalow – Refused.**

**Representations:**  
**(Parish & Neighbours)**

**Parish/Town Council**            **Objection - Overintensive development.**  
**(8/04/09)**  
**Neighbours**                        **None received.**

**Consultations/Publicity responses**

**Environmental Health Officer**    **No objection subject to the imposition of**  
**(26/01/09)**                                **conditions and informatives.**  
**Landscape Officer (10/02/09)**    **No objection.**  
**Highways Officer (25/02/09)**    **No objection subject to the imposition of**  
    **appropriate conditions.**  
**Environment Agency**                **Application is considered to have a low**  
**(23/01/09)**                                **environmental risk.**

**Determining Issues**

**The main considerations of the application are;**

- 1.        Impact on the Character and appearance of the area.**
- 2.        Impact on residential amenity.**
- 3.        Highway Safety.**

**Considerations**

- 1.        Impact on the Character and appearance of the area**  
The area is currently defined by a mix of residential dwellings, with the immediate neighbours being small terraces and a large flatted development. The proposed dwelling would be a detached bungalow, which would not match the immediately surrounding properties in terms of height and overall form, however it would not appear to be completely at odds with the prevailing character of the area generally, there being a small development of bungalows at the western end of The Crescent.
- 2.        Impact on residential amenity**  
The garden size afforded to the proposed dwelling is considered to adequate and to be acceptable in this location having regard to the size of the dwelling. There is no substantial natural screening above 3m in height and therefore an appropriate landscaping condition should be imposed. There are no windows to the east elevation of the bungalow, minimising the possibility of overlooking of 62 and 64 Luton Road.

**3. Highway Safety**

**The proposal would have any detrimental on highway safety, the Highways Officer has not objected to the proposal.**

## Conclusion

In summary, we consider that the proposal comprises the development of a "fall-in" site and is therefore in accordance with the provisions of Local Plan Review Policy H2. The previous reason for refusal is no longer considered to be relevant due to the revised size and positioning of the proposed dwelling. .

## Reasons for Granting

The proposal is considered to be in accordance with National Planning Policies PPS1, PPS3 and Local Plan Policies BE8, H2 and T10 and there are no material considerations that would warrant planning permission not being granted.

## RECOMMENDATION

Grant planning permission subject to the following conditions:

- 1** The development 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** Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the 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 the premises.
- 3** Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.  
**REASON:** To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.
- 4** Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed building/s shall be 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/s.  
(Policies BE8 & H8, S.B.L.P.R).
- 5** Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be 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 for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

**REASON:** To ensure a satisfactory standard of landscaping.  
(Policy BE8, S.B.L.P.R).

- 6** Before the access is brought into use, an area of land across the whole of the site frontage measuring at least 2m from and parallel to the nearside edge of the adjacent road carriageway shall be provided and thereafter be kept free of all obstruction to visibility.  
**REASON:** To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic which is likely to use it.
- 7** The proposed vehicular access shall be surfaced in accordance with details to be approved in writing by the Local Planning Authority for a distance of 5m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.  
**REASON:** To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.
- 8** Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.  
**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).
- 9** Details of bin storage/collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of the dwelling.  
**REASON:** To avoid the storage of refuse containers on the highway so as to safeguard the interest of highway safety.
- 10** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building/s hereby permitted shall be carried out without the grant of further specific permission from the Local Planning Authority.  
**REASON:** To control the external appearance of the building/s in the interests of the amenities of the area.  
(Policy BE8, S.B.L.P.R).
- 11** Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without

modification), no buildings or other structures shall be erected or constructed within the curtilage of the property without the grant of further specific permission from the Local Planning Authority.

**REASON:** To control the development in the interests of the amenities of the area.

(Policy BE8, S.B.L.P.R).

- 12 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (d) below have been complied with. 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 within 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:

- i. A survey of the extent, scale and nature of the contamination;
- ii. 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
- iii. 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 (referred to in PPS23 as a validation 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.

- 13 This permission relates only to the details shown on Drawing No. 08/636/01 Rev.B received 15/04/09 or to any subsequent appropriately endorsed revised plan.

**REASON:** To identify the approved drawing and to avoid doubt.

**Notes to Applicant**

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

**Regional Spatial Strategy**  
**East of England Plan (May 2008)**

## **ENV7 - Quality in the Built Environment**

### **South Bedfordshire Local Plan Review**

#### **BE8 - Design Considerations**

#### **H2 - Making Provision for Housing via “Fall-in” Sites**

#### **H8 - Control of Extensions to Dwellings**

#### **T10 - Controlling Parking in New Developments**

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
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 Customer Contact Centre, 6<sup>th</sup> Floor, Borough Hall, Bedford, MK42 9AP 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 all cycle parking to be provided within the site shall be designed in accordance with Central Bedfordshire Council's “Cycle Parking Guidance - August 2006”.
5.
  - Where remedial measures are necessary, they should be managed with Part IIA of the Environmental Protection Act 1990 in mind. Encapsulation of any contaminants should be made on the risk-based assessment so that they are unlikely to be subject to future release to the environment.
  - All ground investigations shall be risk based and have regard to BS10175:2001 *Investigation of Potentially Contaminated Sites - Code of Practice* and Environment Agency/NHBC R&D Publication 66 - *Guidance for the Safe Development of Housing on Land Affected by Contamination*.
  - Where analyses are undertaken analytical laboratories should be accredited to MCERTS and where appropriate laboratory methods should also be accredited to MCERTS.
  - The applicants/agent's consulting engineers shall certify that decontamination and remediation of the site has been undertaken in accordance with any measures approved by the Local Planning Authority.



- The applicant shall advise the Local Planning Authority of commencement of the works.
  - The applicant should also be made aware that the ownership of land shown to be contaminated may accrue legal and financial liabilities under Part IIA of the Environmental Protection Act 1990. Such liabilities are maximised when "pollutant linkages" engender "pathways" for the contaminants to reach "receptors".
  - Central Bedfordshire Council has published its Contaminated Land Inspection Strategy in line with the Environmental Protection Act 1990: Part IIA and its definition thereof. No land has yet been formally designated as being 'contaminated'. However, it should not be taken to imply that the property or adjoining land is free from contamination.
6. 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.

**DECISION**

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