

Item No. 6

APPLICATION NUMBER	CB/17/05913/FULL
LOCATION	Land at Taylors Road, opposite Aspen Gardens, Stotfold, Hitchin, SG5 4AX
PROPOSAL	Demolition of existing industrial units and development of 32 residential dwellings (including 12 affordable homes), vehicular access, pedestrian links, car parking, drainage, public open space and associated works.
PARISH	Stotfold
WARD	Stotfold & Langford
WARD COUNCILLORS	Cllrs Dixon, Saunders & Saunders
CASE OFFICER	Donna Lavender
DATE REGISTERED	15 December 2017
EXPIRY DATE	16 March 2018
APPLICANT	Taylor Wimpey North Thames
AGENT	Bidwells
REASON FOR COMMITTEE TO DETERMINE	Major Application with Town Council Objection on the following grounds: <ul style="list-style-type: none">• Loss of employment• Increased Traffic Generation• Affordable Housing not dispersed within the site
RECOMMENDED DECISION	Full Application - Recommended for Approval subject to the completion of a 106 agreement

Recommendation:

That Planning Permission be APPROVED conditional on the completion of a 106 agreement and subject to the following:

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 The materials to be used for the external walls and roofs of the development as shown on drawing no. LSD181-04 Rev D shall 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.
(Policy DM3 of the Core Strategy for the North and Section 7, NPPF)

- 3 **No development shall take place until details of hard and soft landscaping (including details of the species, sizes and densities) together with a timetable for its implementation have been submitted to**

and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.

**Reason: To ensure an acceptable standard of landscaping.
(Policy DM14 of the Core Strategy for the North and Sections 7 & 11, NPPF)**

- 4 No dwelling hereby approved shall be occupied, until a Landscape and SuDs Maintenance and Management Plan for a period of ten years from the date of its delivery has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body, who will be responsible for delivering the approved landscape maintenance and management plan. The landscaping and SuDs shall be maintained and managed in accordance with the approved plan following its delivery.

Reason: To ensure that the appearance of the site would be acceptable in accordance with Policy DM14 of the Core Strategy and Sections 10 & 11 of the NPPF.

- 5 The positioning of the protective fencing details as supplied in support of the application, shall be erected to protect the natural canopy spread and root protection areas of the trees proposed to be retained. The protective fencing shall then be fully implemented before the commencement of any site construction works, and the approved fencing shall remain firmly in place throughout the entire course of development.

Reason: To ensure that a satisfactory standard of landscape protection is fully implemented in the interests of maintaining the health and natural canopy spread of the protected trees. Failure to secure these details prior to commencement of development could result in the unreasonable loss of a trees and landscaping that adds amenity value. (Policy CS16 of the Core Strategy and Section 7 of the NPPF).

- 6 **No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing how renewable and low energy sources would generate 10% of the energy needs of the development and also showing water efficiency measures achieving 110 litres per person per day. The works shall then be carried out in accordance with the approved details and retained thereafter.**

**Reason: This condition is pre-commencement as the efficiencies could affect the construction or materials of the dwellings which will require to be ordered prior to commencement and In the interests of sustainability.
(Policy DM2 of the Core Strategy for the North & Section 10 of the NPPF)**

- 7 No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants at the development. Prior to the first occupation of the dwellings the fire hydrants serving that development shall be installed as approved. Thereafter the fire hydrants shall be retained as approved in perpetuity.

Reason: This condition is pre-commencement as the ground works for connectivity will need to be considered prior to construction in order to ensure appropriate access to fire hydrants for use in the event of emergency in accordance with policy DM3 of Central Bedfordshire Core Strategy for the North and Section 7 of the NPPF.

- 8 **Development shall not commence until a scheme for the diversion of the public right way including a timeframe for its implementation and the improvements to public rights of way (FP7) including appropriate connections and enhancements to surfacing and drainage arrangements where deemed appropriate, has been submitted and approved by the Local Planning Authority. The scheme shall then be carried out in full in accordance with the approved scheme.**

Reason: This condition is pre-commencement as a diversion will need to take place so that existing occupiers can gain appropriate access throughout the development phase and to ensure that public rights of way within the site are protected, enhanced and promoted as part of the development.

- 9 All ecological measures shall be carried out in accordance with the details contained in Part 6 of the May 2017 Ecological Appraisal.

**Reason: To ensure all impacts from development are taken into account and mitigated.
(Section 11, NPPF)**

- 10 **No development shall take place until details of the method of disposal of foul and surface water drainage (which shall include a copy of the correspondence with Anglian Water regarding permission to discharge in to the public surface water sewer including the rate of discharge Anglian Water will allow) 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: This condition is pre-commencement as ground works will be required prior to construction to ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.
(Section 10, NPPF)**

- 11 **No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:**

A Phase 2 investigation report as recommended by the previously submitted Rolton Group Ground Investigation report summary dated 15th December 2015 ref 14-0087 XL002 along with a Remediation Method Statement should the Phase 2 discover the need for remediation.

Reason: This condition is pre-commencement as it relation to ground works and remediation to ensure that the site is suitable for its end use

**and to protect human health and the water environment.
(Section 11, NPPF)**

- 12 No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

A Validation Report by means of which the effectiveness of the remediation implemented by any Remediation Method Statement shall be demonstrated to the Local Planning Authority (to incorporate photographs and depth measurements).

Any unexpected contamination discovered during works should be brought to the attention of the Planning Authority.

Reason: To ensure that the site is suitable for its end use and to protect human health and the water environment.
(Section 11, NPPF)

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

Reason: In the interest of amenity.
(Policy DM3 of the Core Strategy for the North and Section 7, NPPF)

- 14 No building shall be occupied until the junctions of the proposed vehicular access points with the highway has been constructed in accordance with the approved details. No other part of the development shall take place until the visibility splays at the junction of the accesses with the public highway shown on the approved drawing have been provided. The required vision splays shall for the perpetuity of the development remain free of any obstruction to visibility.

Reason: In order to minimise danger and to provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them. (Policy DM3 of the Core Strategy for the North and Section 4 of the NPPF)

- 15 Before any vehicular access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 2m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 2m 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 pedestrian/driver intervisibility between the highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them. (Policy DM3 of the Core Strategy for the North and Section 4 of the NPPF).

- 16 **No development shall take place, including any works of demolition, until a Construction Traffic Management Plan, associated with the development of the site, has been submitted and approved in writing by the Local Planning Authority which will include information on:**
- **The parking of vehicles**
 - **Loading and unloading of plant and materials used in the development**
 - **Storage of plant and materials used in the development**
 - **The erection and maintenance of security hoarding / scaffolding affecting the highway if required.**
 - **Footpath/footway/cycleway or road closures needed during the development period**
 - **Traffic management needed during the development period.**
 - **Times, routes and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site) during the development of the site.**

The approved Construction Management Plan associated with the development of the site shall be adhered to throughout the development process.

Reason: In the interests of safety, protecting the amenity of local land uses, neighbouring residents and highway safety. (Policy DM3 of the Core Strategy for the North and Section 4 of the NPPF).

- 17 **No development shall take place until wheel-cleaning facilities which prevent the deposit of mud or other extraneous material on the highway during the construction period have been installed at all vehicular site exists and made operational and the Site Developer(s) shall ensure that these are used by all vehicles exiting the site until the development has been substantially completed or until the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

**Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.
(Section 7, NPPF)**

- 18 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers LSD181-01T (Site Layout Plan), LSD181-05B (Site Layout Plan), LSD181-04D (Materials Plan), LSD181-01 Rev T (Parking Strategy), 10E (Landscape Masterplan), Planning Statement, Design & Access Statement Rev A, Market Assessment Report (May 2017), House Type Pack Rev A (All House Types), JKK8224_1 Rev B & 02 Rev A (Topographical Survey), Energy Statement Rev C, Statement of Community Involvement May 2017, Transport Statement Dec 2017, Flood Risk Technical Note Rev B & Preliminary Drainage Strategy Rev D, Ecological Appraisal Rev A, Arboricultural Impact Assessment and Method statement Rev A & Twnt20184-03A (Tree Protection Plan), Landscape Design**

Statement May 2017 & Geophysical Report Issue 1.

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

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 National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
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 British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to. The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, should also be adhered to.

There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

4. 1/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 contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. 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.

2/ The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including

run off calculations shall be submitted to the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ .

5. Notwithstanding the granting of planning permission, no enclosure of the land shall take place until such time as the highway rights over the land have been formally extinguished by a formal Stopping Up Order made under Section 247 of the Town and Country Planning Act 1980 or by the application to the Magistrates Court under Section 117 of the Highways Act 1980.
6. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”

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

The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.