

## **Item No. 11**

<b>APPLICATION NUMBER</b>	<b>CB/13/00554/FULL</b>
<b>LOCATION</b>	<b>Land off Biggleswade Road, Upper Caldecote, Biggleswade, SG18 9BD</b>
<b>PROPOSAL</b>	<b>Proposed development of 10 new dwellings including parking, private amenity for each dwelling and associated landscape.</b>
<b>PARISH</b>	<b>Northhill</b>
<b>WARD</b>	<b>Northhill</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Turner</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>28 February 2013</b>
<b>EXPIRY DATE</b>	<b>30 May 2013</b>
<b>APPLICANT</b>	<b>Grand Union Housing Group</b>
<b>AGENT</b>	<b>David Coles Architects Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Call In - Cllr Turner</b> <b>I am requesting this application is considered by DMC.</b> <b>A very difficult Parish mtg was held last evening with considerable concern being expressed by a number of residents, and uncertainty from the PC itself, albeit that it resolved to recommend approval.</b>

### **RECOMMENDED DECISION - FULL APPLICATION - APPROVAL**

#### **Recommended reasons for granting**

The proposed development of 10 affordable housing units on this rural exception site is acceptable in terms of Policy CS8. The proposal would not have an adverse negative impact on the character of the area or on the residential amenity of neighbouring properties and is acceptable in terms of highway safety. Therefore by reason of its size, design and location, the proposal is in conformity with Policies CS1, CS8, DM3, DM4, DM14 and DM15 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework, 2012. It is further in conformity with the Supplementary Planning Documents: Design in Central Bedfordshire: A Guide for Development, 2010 and the Local Transport Plan - Parking Strategy.

#### **Recommendation**

That Planning Permission be granted subject to the completion of a section 106 planning obligation and the following:

#### **RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **No development shall commence until a scheme has been submitted for written approval by the Local Planning Authority setting out the details of the materials to be used for the external walls and roof which shall include samples of all the materials. The development shall be carried out in accordance with the approved scheme.**

**Reason: To protect the visual amenities of the building and of the area generally in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document.**

- 3 **No development shall commence on site until details of the final ground and slab levels of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and details of the surrounding ground levels. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas in accordance with Policy DM3.**

- 4 **No development shall commence on site until full details of both hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **boundary treatments;**
- **materials to be used for any hard surfacing;**
- **minor structures (e.g. furniture, play equipment, signs, etc);**
- **proposed and existing functional services above and below ground level;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**
- **details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.**

**The development shall be carried out in accordance with the approved details.**

**Reason: In order to ensure that the landscaping is carried out within a**

**reasonable period in the interest of the visual amenities of the area in accordance with Policy DM3.**

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the site and the area generally.

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

**a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.**

**b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.**

**c) Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.**

**Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.**

**The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.**

**Applicants are reminded that, should groundwater or surface water courses be at risk of contamination 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.**

**Reason: To protect human health and the environment in accordance with Policy DM3.**

- 7 **No development shall commence until a survey of the site has been**

**undertaken to ascertain as to whether there are any great crested newts and other amphibians and reptiles. If any of the above species are found to exist the details of measures to be undertaken to safeguard these protected species then habitat protection/migration measures shall be submitted to and approved in writing by the Local Planning Authority. The habitat protection measures shall be implemented to the satisfaction of the Local Planning Authority and in accordance with a timetable agreed in writing by the Local Planning Authority.**

**Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area in accordance with DM15.**

- 8 Details of the method of disposal of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority including any land drainage system, before the development is commenced on site. Thereafter no part of the development shall be 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.**

- 9 Before development commences details of the demarcation of the highway boundary at the site fronting Biggleswade Road, visitor parking bays and signage advising of the turning area for service vehicles should be kept clear should be submitted to and approved in writing by the local planning authority and no dwelling shall be occupied until the demarcation and signage have been constructed in accordance with the approved plans.**

**Reason: For the avoidance of doubt, to provide adequate on site visitor parking provision and a usable turning area.**

- 10 Development shall not begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**

**Reason: To ensure that the proposed roadworks are constructed to an adequate standard.**

- 11 Development shall not commence until a scheme detailing provision for on site parking for construction workers and deliveries and access thereto 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.**

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**No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.**

**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.**

13

No building shall be occupied until the junction of the proposed vehicular access with the highway 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.

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Before the accesses for plots 7, 8 ,9 and 10 is first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The vision splay 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 accesses, and to make the accesses safe and convenient for the traffic which is likely to use them and the shared driveway

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No dwelling shall be occupied until a 2.0m wide footway has been constructed on the south side of Biggleswade Road along the site frontage from the existing footway at the frontage of no. 108 to the access for plot 5 in accordance with details of the approved drawing/or scheme 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.

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Before the premises are occupied the on site vehicular areas shall be

constructed and surfaced in a stable and durable material in accordance with details to be approved in writing by the Local Planning Authority.  
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 so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits

- 17 Details of a refuse collection point located outside of the public highway shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall be fully implemented prior to occupation of any dwelling and shall be retained thereafter.

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

- 18 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the parking provision on the site shall not be used for any purpose, other than as parking provision, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 19 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 200 PLAN, SJA177.01.A, SJA177.02.0, 12039 (D) 097 A, 12039 (D) 112 A, 12039 (D) 121, 12039 (D) 120, 12039 (D) 111 A, 12039 (D) 100 D, 12039 (D) 102 A, 12039 (D) 105 B, 12039 (D) 104 A, 12039 (D) 103 A, 12039 (D) 101 C, 12039 (D) 106 B, 12039 (D) 107 C, 12039 (D) 099 D, 12039 (D) 98 C, 12039 (D) 110.

Reason: For the avoidance of doubt.

### **Notes to Applicant**

1. 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.
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, Technology House, 239 Ampthill Road, Bedford MK42 9BA 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.

The applicant is advised that, under the provisions of the Highways Act 1980, no part of the structure, including planting, foundations and surface water hardware shall be erected or installed in, under or overhanging the public highway and no window, door or gate shall be fixed so as to open outwards into the highway.

The Highway Authority has the power under Section 143 of the Highways Act 1980, to remove any structure erected on a highway

The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority

The applicant is advised that in order to comply with Condition 13 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 Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

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 Amphill Road, Bedford MK42 9BD.

The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways 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 Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

The Council acted pro-actively through positive engagement with the applicant 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) (Amendment No. 2) Order 2012.

[Notes:

1. In advance of consideration of the Application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the Application the Committee were advised that four further email/letters objecting to the application had been received and raised the following points:
  - Loss of privacy as site overlooks 108, 169, 175 and Swallowfield
  - Increase in noise
  - Extra waste water
  - Repositioning of footpath
  - Site access on dangerous bend and extra traffic accessing A1
  - Possible subsidence as site is adjacent to old grave pit



- Contrary to planning policies CS1, CS8, CS18, DM2, DM3, NPPF 47, 50, 54, 58-64 and 90.
- Refusal of application at 150 Biggleswade Road
- Inappropriate assessment of need
- Add to speeding cars on Biggleswade Road
- Unsafe for pedestrians
- Site is away from main centre of the village
- Site outside settlement envelope, layout not in keeping
- Lead to congestion in Manor Place (the school entrance)
- Site in Ickwell Road is preferred
- Further congestion in the area
- Other applications for housing refused nearby]