

Item No. 10

APPLICATION NUMBER	CB/13/03560/RM
LOCATION	Land South Of, Potton Road, Biggleswade
PROPOSAL	Reserved Matters: Change to Approval CB/11/02327/RM dated 19/10/2011 relating to Blocks 25, 26, 29, 34 and 36 of development south of Potton Road, Biggleswade - Replacement of 8no. Affordable Flats (Plots 153-160) in Block 36 with 4no. Houses (Plots 153-156) resulting in a reduction in dwelling numbers from 103 dwellings to 99 dwellings
PARISH	Biggleswade
WARD	Biggleswade North
WARD COUNCILLORS	Cllrs Jones & Mrs Lawrence
CASE OFFICER	Nikolas Smith
DATE REGISTERED	14 October 2013
EXPIRY DATE	13 January 2014
APPLICANT	Martin Grant Homes
AGENT	ECE Architecture
REASON FOR COMMITTEE TO DETERMINE	This application is before the committee because it is a major application and the Town Council has objected to it.

**RECOMMENDED
DECISION**

Reserved Matters - Granted

Summary of recommendation:

The approval of Reserved Matters would meet the objectives of the National Planning Policy Framework (2012), the Council's Core Strategy and Development Management Policies (2009) and the King's Reach Design Code (2008). The scheme would be appropriate in the context of the legal agreement, particularly in respect of affordable housing provision, associated with the site.

Site Location:

Areas 25, 26, 29, 34 and 36 at the Land East of Biggleswade or 'King's Reach' development site (the site is split in to Areas within the adopted Design Code and each set of Areas, when presented as a Reserved Matters application, is treated as a phase).

In 2011, Reserved Matters Consent was granted for 103 dwellings at this phase of the site (11/02327).

The s.106 agreement that accompanies the wider development dictated that 28% of the total number of houses at the site and that at least 25% of the units within each phase will be affordable housing.

Since that application was determined, a deed of variation to the original s106

agreement has established that to provide Affordable Housing at a level in excess of 10% across the site would not be currently viable. This variation applies only to new residential phases and not to those that already have Reserved Matters Consent.

An application for a non-material amendment (13/01031) to reduce the provision of affordable housing at this phase from 27 to 22 was granted in May 2013. Whilst the deed of variation to the s106 did not directly relate to previously consented phases, the Council accepted that its spirit should allow for a provision not below 10% for phases consented but not yet complete in the context of the current viability at the wider site.

A further application for a non-material amendment was approved by the Council (13/02209). This further reduced the affordable housing provision at the phase (Areas 25, 26, 29, 34 and 36) to 14 units (14%). This was felt to be non-material because it did not result in the total provision of affordable housing at the phase falling below 10% (the provision set out for new phases within the deed of variation to the s106).

The Application:

This application is made for the approval of the appearance, landscaping, layout and scale for four units within Areas 25, 26, 29, 34 and 36 pursuant to Outline permission reference 03/01205. Reserved Matters approval has been granted previously for development within this phase (11/02307). This proposal would result in the following changes to that approved phase of the wider development:

- The total number of units would reduce from 103 to 99 (a reduction of 4).
- The total affordable housing provision would reduce from 14 units (14%) to 6 units (9%).
- A block of 8 flats in the North East corner of the phase (known as Plots 153-160 when approved) would be replaced by four semi-detached houses (Plots 153-155).

Relevant Policies:

National Planning Policy Framework (2012)

Core Strategy and Development Management Policies (2009)

DM3 High Quality Development
CS7 Affordable Housing

King's Reach Biggleswade – Design Code (2008)

Planning History:

MB/03/01205/OUT Residential development of approximately 1450 dwellings, construction of Eastern relief road, Local Centre, primary school, public open space, structural landscaping, infrastructure including surface water balancing facilities and associated works. Demolition of 128 Potton Road to facilitate vehicular access. (All matters reserved except means of

access)

Approved: 2006

MB/11/02327/RM

Reserved Matters: Blocks 25, 26, 29, 34 and 36 of development south of Potton Road, Biggleswade consisting of residential development for 103 new dwellings and associated areas (pursuant to outline planning approval MB/03/01205/OUT dated 13 November 2006)

Approved: 2011

CB/12/1179/NMA

Non-Material Amendment: Reserved matters : Blocks 25,26,29,34 & 36 of Development South of potton Road, Biggleswade consisting of residential development for 103 new dwellings and associated areas (Pursuant to Outline Approval MB/03/01205/OUT Dated 13/11/2006. Amendment sought to reduce the affordable dwellings by 15 units to give a revised total of 27 affordable units. Plots 107-112 and 128-136 inclusive are amended to private market units.

Approved: 2012

CB/13/1031/NMA

Non Material Amendment; to planning permission CB/11/02327/RM change of affordable dwellings from 27 to 22 with 5 dwellings Plots 97,98,99,100 and 101 in block 29 changed to open market. Plot 97 house type HA3W(i)p25 (formerly HA3W(i)) and Plot 101 house type HA3W(ii)P29 (formerly HA3W(ii)) window added to first floor front, window removed on rear ground floor and stone cills added to windows on side and rear elevation. Plots 98 & 100 house types HAP26 (formerly HA2) stone cills added to windows to the rear and side elevations. Plot 99 house type HA4(ii)P29 (formerly HA4L(ii)) windows added to ground floor side and first floor rear elevations. Stone cills added to windows on side and rear elevation and increase to width of first floor link over drive through.

Approved: May 2013

CB/13/02209/NMA

Non Material Amendment: to planning permission CB/11/02327/RM changes to plots 175-182 from affordable units to open market. There would be 14 units (and 14%) affordable units at the site. Plots 176,177 and 178 changes to windows. Plot 179 changes to windows and stone cills. Plot 175 changes to windows.

Approved: July 2013

Representations:

Biggleswade Town
Council

Objection to the reduction in affordable housing, which is
desperately needed in Biggleswade.

Determining Issues:

The considerations in the determination of this application are:

1. The provision of affordable housing at the phase and the site
2. Design, layout and compliance with the Design Code in general

1. The provision of affordable housing at the phase and the site

The Council has acknowledged that to provide affordable housing at the site in excess of 10% would currently not be viable.

The 2012 deed of variation to the original s106 agreement formalises this acknowledgement and accommodates the provision of less than 10% affordable housing at a phase where it can be demonstrated that enough units to accommodate such under provision have been provided at a different phase at the development, the objective being that at least 10% of the units across the site are affordable.

Here, the applicant has demonstrated that at the phase made up of Blocks 15 and 16 (11/0142), where 122 units have been consented, 34 units (28%) of affordable housing have been provided.

Such provision accommodates the 10% (13 units) required for that phase with a surplus of 21 units.

9 units of that surplus have been off-set against an under provision of affordable housing at Areas 19, 20 and 21 (originally consented under reference 09/0247 and then amended under reference 13/02900). As such, a surplus of 12 units remains.

The number of units built at this site would be reduced from 103 to 99. As such, the affordable housing requirement would be 10 units. 6 units would continue to be provided at the phase. There would be a shortfall of 4 units at this phase.

The 4 units required by this phase would be offset, leaving a surplus of 8 units at Blocks 15 and 16. The arrangement and tenure mix at Blocks 15 and 16 is as consented and so would be acceptable.

Granting planning permission would reflect the current viability situation at the site and would respect the arrangements in place to respond to that.

Biggleswade Town Council has objected, dissatisfied by less affordable housing being provided at the site than had originally been envisaged. The Council shares this disappointment but has adjusted the affordable housing requirement in response to a robust demonstration of the development's viability and in line with government guidance advising Planning Authorities to assist development to come forward. The deed of variation to the s106 includes a review period so

that after two years, if viability has improved, this will be reflected in the amount of affordable housing being provided at the site.

2. Design, layout and compliance with the Design Code in general

The removal of 8 flats and their replacement with 4 semi-detached houses at this Phase of the development would result in a different, but acceptable layout at this part of the phase. The design of the houses, the provision of car parking and garden space and the density of the phase overall would be in general conformity with the Design Code.

Conditions attached to the original grant of Reserved Matters approval for this phase would be adjusted and repeated, where appropriate and necessary.

Recommendation:

Approval subject to conditions.

- 1 **No development shall commence on Plots 153-156 (inclusive) before a scheme detailing the materials and boundary treatment in respect of those residential plots has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those details.**

Reason: To ensure high quality development and for the avoidance of doubt.

- 2 **No development shall commence on Plots 153-156 (inclusive) until the detailed plans and sections of the proposed road(s), including gradients and methods of surface water disposal relevant to those Plots have been approved in writing by the Local Planning Authority. None of those Plots shall be occupied until the relevant section of road which provides access thereto has been constructed (apart from final surfacing) solely in accordance with the approved details.**

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

- 3 **No development shall commence on Plots 153-156 (inclusive) until a scheme for the parking of cycles for those Plots (and access thereto) has been submitted to and approved in writing by the Local Planning Authority. The details shall be wholly implemented before any of those Plots 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 and in the interests of encouraging the use of sustainable modes of transport.

- 5 Before any of the accesses to the dwellings are 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

along from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described shall be maintained free of any obstruction exceeding a height of 600mm above the adjoining footway level in perpetuity.

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.

- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, 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.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [5619 001 rev L, 5619 LOC, 5619 050, 5619 051, 5619 052 and 5619 053].

Reason: For the avoidance of doubt.

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

Approval of reserved matters has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.

DECISION

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