

Item No. 9

APPLICATION NUMBER	CB/13/03494/FULL
LOCATION	Land South Of, Potton Road, Biggleswade
PROPOSAL	Erection of new mixed use local centre to include 51 residential units, approximately 1156sqm (net) of floor space for a mixture of uses (A1, A2, A3, B1 & D1) a 60 bed (C2) care home, central square kiosk, community building and associated infrastructure.
PARISH	Biggleswade
WARD	Biggleswade North
WARD COUNCILLORS	Cllrs Jones & Mrs Lawrence
CASE OFFICER	Nikolas Smith
DATE REGISTERED	30 October 2013
EXPIRY DATE	29 January 2014
APPLICANT	Martin Grant Homes & Taylor Wimpey Homes
AGENT	Woods Hardwick Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	This is a 'major' planning application and the Town Council has objected.
	Full Application - Granted

Recommendation: That the planning permission is approved, subject to the completion of a s106 agreement reflecting the terms set out above, the variation of the s106 agreement relating to the wider development site and to the following planning 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 **Notwithstanding the details shown on the submitted plans and drawings, no development shall commence at the site before details of the following materials have been submitted to and approved in writing by the Local Planning Authority:**

- **Bricks**
- **Render**
- **Cladding**
- **Roof tiles**
- **Fenestration (including cills)**
- **Balconies**
- **Rainwater goods**

The development shall be carried out as approved.

Reason: To ensure that the appearance of the development would be acceptable.

- 3 **No development shall commence at the site before a written scheme of archaeological investigation; that includes post excavation analysis and publication, has been submitted to and approved by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme.**

Reason: To record and advance understanding of the archaeological resource which will be unavoidably affected as a consequence of the development.

- 4 **No development shall commence at the site before full details of the method of odour abatement and all odour abatement equipment to be used including predicted noise levels of equipment in operation have been submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the uses hereby permitted commencing and shall be retained permanently thereafter, unless otherwise agreed beforehand in writing by the Local Planning Authority.**

Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents.

- 5 The equipment approved pursuant to condition 4, together with any external plant, machinery and/or equipment installed or operated in connection with this development, shall be so enclosed, operated and/or attenuated so that the noise arising from it does not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured according to BS 4142: 1997, at the boundary of any neighbouring residential dwelling. The uses hereby approved shall not commence before details that clearly demonstrate that noise from the external plant, machinery and/or equipment achieves the required noise standard have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the neighbouring residents from any adverse impact from noise arising from the kitchen extract ventilation system and other externally plant on the premises.

- 6 The cycle parking provision shown on the approved drawings shall be provided in advance of the occupation of any relevant unit and in full in advance of the occupation of the last residential unit at the site and shall be retained and maintained permanently thereafter unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: To ensure that adequate cycle parking is provided at the site.

- 7 No deliveries shall take place to commercial premises at the site outside of the hours of 0800 and 1800 Monday to Saturday and no deliveries shall take place outside of the hours of 1000 and 1600 on Sundays or Bank Holidays

unless otherwise agreed beforehand in writing with the Local Planning Authority.

Reason: To protect the amenity of the future occupiers of the residential properties.

- 8 **No development shall commence at the site before a scheme of noise attenuation measures which to ensure that the internal noise levels from external road traffic noise sources shall not exceed 35 LAeq 07:00 – 23:00 in any habitable room or 30dB LAeq 23:00 - 07:00 inside any bedroom and 45dB LAm_{ax} 23:00 - 07:00 inside any bedroom has been submitted to and approved in writing by the Local Planning Authority. The effectiveness of any works that form part of the scheme approved by the Local Planning Authority shall be demonstrated through validation noise monitoring and the results shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is occupied unless an alternative period is approved in writing by the authority.**

Reason: To ensure that living conditions for future occupiers would be acceptable.

- 9 **Notwithstanding the submitted plans and drawings, no development shall commence at the site before revised plans showing Plots 14, 15, 16 and 17 in Block A have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that stacking is designed to minimise to disturbance between neighbouring units.

- 10 **No development shall commence at the site before a scheme for the ventilation of the main hall within the approved Community Building, to include the provision of air conditioning and fixed shut windows, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the approved details before the Community Building is first occupied and thereafter maintained in accordance with the approved details.**

Reason: To protect the amenity of neighbouring residents.

- 11 **No development shall commence at the site before details of an acoustic lobby to the external exit doors of the Community Building have been submitted to and approved in writing by the Local Planning Authority. The details shall be fully implemented before the Community Building is first occupied and therefore maintained in accordance with the approved details.**

Reason: To protect the amenity of neighbouring residents.

- 12 **No development shall commence at the site before details of a scheme for controlling noise levels from music events at the Community**

Building by using a limiting device have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to at all times.

Reason: To protect the amenity of neighbouring residents.

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No development shall commence at the site before a scheme for sound insulation of the Community Building and a noise management and control plan have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to reduce emissions of noise arising from the building's use that might affect local residents. The approved scheme shall be fully implemented in advance of the first occupation of the Community Building. The works and scheme shall thereafter be maintained in accordance with the approved details. On completion of the works forming part of the scheme no alterations to the structure, roof, doors, windows, external facades of the building or any noise control measures forming part of the scheme shall be undertaken without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents.

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No development shall commence at the site before the following has 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 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.

Reason: To protect human health and the environment.

- 15 Notwithstanding the submitted details, no development shall commence at the site before a hard and soft landscaping scheme for the site, including boundary treatment and street lighting, a timetable for its implementation and a Management Plan have been submitted to and approved in writing by the Local Planning Authority. The details shall be carried out as approved and in accordance with the timetable and the Management Plan.**

Reason: To ensure that the appearance of the development would be acceptable.

- 16 No development shall commence at the site before details of a system to manage foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Internal Drainage Board. The details shall be carried out as approved in advance of the occupation of a residential unit at the site.**

Reason: To ensure that drainage provision at the site is acceptable.

- 17 No development shall commence at the site before details showing the storage and collection of residential and non-residential waste and recycling has been submitted to and approved in writing by the Local Planning Authority. The details shall be carried out as approved before any building at the site is occupied.**

Reason: To ensure that waste and recycling is properly stored and collected at the site.

- 18 No development shall commence at the site before a Waste Audit showing that waste will be minimised as far as possible and will be managed in an appropriate manner in accordance with a Waste Hierarchy. The development shall be carried out in accordance with the approved Audit.**

Reason: To ensure that waste for the site is properly managed.

- 19 Notwithstanding the submitted details, no development shall commence at the site before a scheme for the provision of public art together with a timetable for its provision at the site have been submitted to and approved in writing by the Local Planning Authority. The details shall be carried out as approved in accordance with the approved timetable.**

Reason: To ensure that the appearance of the development would be acceptable.

- 20 No development shall commence at the site before details of how the development would achieve at least 10% of its own energy requirements through on-site or near-site renewable or low carbon**

technology energy generation. The development shall be carried out as approved.

Reason: To ensure that the development is achieving the Council's sustainability objectives.

- 21 **No development shall commence at the site before a scheme for the management of car parking around the central square has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved in advance of the occupation of the first residential or commercial unit at the site.**

Reason: To ensure that car parking provision at the site is properly managed.

- 22 No development shall commence at the site before detailed plans and sections of the proposed roads, including speed reduction measures and method of surface water disposal have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until the section of road which provides access to it has been constructed (apart from final surfacing) in accordance with the approved details.

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

- 23 The proposed development shall be carried out and completed in all respects in accordance with the access siting and layout illustrated on the approved plan and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

- 24 No development shall commence at the site before details of construction vehicle routing, on-site parking for construction vehicles and wheel cleaning facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: To minimise the impact of construction vehicles on the local area.

- 25 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [Design and Access Statement (October 2013), Supporting Statement (revised, May 2013), Transportation Technical Note, Drainage Technical Note (May 2013), Summary of Known Archaeological Remains Within the Immediate Vicinity of the Area of the Footprint (June 2013), 16563/106, 16563/111C, 16563/112B, 16563/113B, 16563/114B, 16563/115B, 16563/116A, 16563/117, 16563/118, 16563/1009B, 16563/1011A, 16563/1012, 16563/1013, 16563/1014, 16563/1015,

17156/201B, 17156/202B, 17156/203B, 17156/204C, 697-100A, 697-(1)-200A, 697-(2)200A, 697-(1)300, 697-(2)300 and 697-(3)200].

Reason: For the avoidance of doubt.

Notes to Applicant:

1. The applicant is advised that equipment installed pursuant to condition 4 should be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation and equipment should be effectively operated for so long as a commercial food use continues.
2. The applicant is advised that guidance on the design of the kitchen extract ventilation system can be found in the DEFRA Guidance Entitled 'Control of Odours and Noise from Commercial Kitchen Exhaust Systems'
The applicant is also advised that the provision of hot food and drink after 23.00 hours are licensable activities under the provisions of the licensing Act 2003, and an appropriate premises license will be required. The applicant is advised to contact our Licensing Team for further information on licensing matters.

AN1 The applicant is advised that if it is the intention to request the 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 Highways Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire 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 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) (Amendment No. 2) Order 2012.