

Item No. 6

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| APPLICATION NUMBER | CB/14/02013/FULL |
| LOCATION | Land Fronting Potton Road, Biggleswade, SG18 0EJ |
| PROPOSAL | The erection of 301 dwellings including access from Potton Road, parking and open space provision. |
| PARISH | Biggleswade |
| WARD | Biggleswade North |
| WARD COUNCILLORS | Cllrs Jones & Mrs Lawrence |
| CASE OFFICER | Jennie Selley |
| DATE REGISTERED | 16 July 2014 |
| EXPIRY DATE | 15 October 2014 |
| APPLICANT | Bellway Homes Ltd (Northern Home Counties) & Bloor Homes Ltd |
| AGENT | DLA Town Planning Ltd |
| REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION | Departure from the Development Plan |
| | Full Application - Granted |

Recommendation

It is recommended that planning permission be resolved to be **GRANTED** subject to the conditions detailed below.

RECOMMENDED CONDITIONS / REASONS

- 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 **No development shall take place on site prior to 1 April 2015 and no construction of any dwellings shall commence until after 1 May 2015. Ground works are defined as site clearance, excavation and site setting out.**

Reason: To allow for the opening of the Biggleswade Eastern Relief Road to traffic and thereby ensure the local highway network has adequate capacity to deal with traffic generated as a result of this development. (Policy 25, DSCB)

- 3 **No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been 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 in the interests of the visual amenities of the locality.
(Policy 43, DSCB)**

- 4 No demolition or development shall take place until a written scheme of archaeological investigation, which reflects the final foundation design, has been submitted to and approved in writing by the Local Planning Authority.**

The written scheme shall include details of the following components:

- A method statement for the investigation of any archaeological remains present at the site;**
- An outline strategy for post-excavation assessment, analysis and publication;**
- A strategy for community engagement.**

The said development shall only be implemented in full accordance with the approved archaeological scheme and this condition shall only be fully discharged when the following components have been completed to the satisfaction of the Local Planning Authority:

- The completion of the archaeological investigation, which shall be monitored by the Local Planning Authority;**
- The implementation of a programme of community engagement;**
- The submission within eight months of the completion of the archaeological investigation (unless otherwise agreed in advance in writing by the Local Planning Authority) of a Post Excavation Assessment and an Updated Project Design, which shall be approved in writing by the Local Planning Authority.**
- The completion within two years of the approval of the Updated Project Design (unless otherwise agreed in advance in writing by the Planning Authority) of the post-excavation analysis as specified in the approved Updated Project Design; the preparation of the site archive ready for deposition at a store approved by the Local Planning Authority, the completion of an archive report, and the submission of a publication report.”**

Reason: In accordance with paragraph 141 of the NPPF; to record and advance the understanding of the significance of the heritage assets with archaeological interest which will be unavoidably destroyed as a consequence of the development and to make the record of this work publicly available. In accordance with Policy 45 of the emerging Development Strategy for Central Bedfordshire (2014); to give due consideration to the significance of the heritage assets with archaeological interest and ensure that any impact on the archaeological resource which takes place as a result of the development is appropriately mitigated.

5 **No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:**

- **proposals for construction traffic routes;**
- **proposed construction traffic routes in the event the Biggleswade Eastern Relief Road is not open to the public as at 1 April 2014;**
- **the scheduling and timing of movements, any traffic control, signage within the highway inclusive of temporary warning signs;**
- **the management of junctions to, and crossing of, the public highway and other public rights of way.**

The CTMP shall be implemented in accordance with the approved details for the duration of the construction period.

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.
(Policy 43, DSCB)**

6 **No development shall take place until a scheme detailing provision for:**

- **On site parking for construction workers**
- **Material Storage and compound**
- **Wheel Cleaning arrangements**

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 and to prevent the deposit of mud or other extraneous material on the highway during the construction period.
(Policy 43, DSCB)**

7 **No development shall take place until the detailed plans and sections of the proposed roads, including gradients, method of surface water disposal and surfacing materials have been approved in writing 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.
(Policy 43, DSCB)**

8 **No development shall commence until full engineering details of the junction arrangements including visibility splay provision as shown on the approved in principle plan JNY8043-02 Revision B and other off-site highway works to include footway and crossing facilities measures to promote sustainable modes of travel have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until such time as the agreed works have been implemented**

in accordance with a phasing timescale to be agreed in writing with the Local Planning Authority.

Reason: To ensure the provision of appropriate access arrangements and associated off-site highway works in the interests of highway safety.

(Policy 43, DSCB)

- 9 **No development hereby approved shall take place until a Public Art delivery timetable has been submitted to and approved in writing by the Local Planning Authority. The Public Art Strategy shall then be implemented in full as approved in line with the agreed strategy and project timetable prior to the 150th occupation.**

Reason: In the interests of promoting local distinctiveness and creating a sense of place. (Policy 43 DSCB)

- 10 **No development shall take place until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme have been 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 in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

Reason: To ensure an acceptable standard of landscaping.

(Policies 43 and 58, DSCB)

- 11 **No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 years. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.**

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:

- a. **Detailed drainage calculations demonstrating that the drainage system has been designed not to increase the risk of flooding on or off site.**
- b. **Detailed drainage plan illustrating the layout of the drainage system and the exceedance flow paths.**

c. Details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, both on and off site, and to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with paragraphs 109, 120 & 121 of the National Planning Policy Framework.

(Policy 49, DSCB)

- 12 **No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.**

Reason: To prevent environmental and amenity problems arising from flooding.

(Policies 43 and 44, DSCB)

- 13 **No development shall take place on site until the following has been submitted to and approved in writing by the Local Planning Authority:**

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

Reason: To protect human health and the environment

(Policy 44, DSCB)

- 14 **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:**

3. Where shown to be necessary by any Phase 2 Desk Study found to be necessary by Condition 13, a Phase 3 detailed remediation scheme 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.
4. 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.

Reason: To protect human health and the environment

(Policy 44, DSCB)

- 15 The parking shall be laid out in accordance with drawing number 56157-101 G (Site Layout Plan) and maintained thereafter.

Reason: To retain the appropriate level of parking.
(Policy 27 DSCB)

- 16 Before the new accesses are first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the accesses hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.
(Policy 43 DSCB)

- 17 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 vehicle 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.
(Policy 43 DSCB)

- 18 **No equipment, machinery or materials shall be brought on to the site for the purposes of development until details of substantial protective fencing for the protection of any retained tree(s), has been submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.**

**Reason: To protect the trees so enclosed in accordance with Section 8 of BS 5837 of 2012 or as may be subsequently amended.
(Policies 43 and 59, DSCB)**

- 19 No ground clearance works shall take place until a site check has been conducted by an experienced ecologist to ensure no badgers have taken up residence since the last survey was made. The recommendations as set out in the Badger Survey Report by First Environment Consultants Ltd dated 17 October 2014 must be complied with at all times.

Reason: To safeguard and protect any protected species found on the site.
(Policy 50 DSCB)

- 20 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 56157-100, 56157-101G, 56157-102B, 56157-103B, 56157-105D, 56157-107B, 56157-110A, 56157-111A, 56157-112A, 56157-113A, 56157-118, 56157-119, 56157-120A, 56157-121B, 56157-122A, 56157-132A, 56157-124A, 56157-125A, 56157-126A, 56157-127A, 56157-128A, 56157-129A, 56157-130A, 56157-131A, 56157-132A, 56157-133A, 56157-134A, 56157-135A, 56157-136A, 56157-137A, 56157-138A, 56157-139B, 56157-140A, 56157-141A, 56157-142A, 56157-143A, 56157-144, 56157-145B, 56157-146A, 56157-150B, 56157-151B, 56157-152A, 56157-153A, 56157-154A, 56157-155B, 56157-160, 56157-161, 56157-162A, 56157-163A, 56157-164, 56157-165, 56157-166, 56157-167, 56157-168A, 56157-169, 56157-170A, 56157-171, 56157-172, 56157-173, 56157-175, 56157-176, 56157-177, 56157-178, 56157-179A, 56157-180, 56157-181, 56157-182, 56157-183, 56157-184, 56157-185, 56157-186, 56157-190, 56157-191A, 56157-192A, 56157-193A, 56157-194A, 56157-195, 56157-196, 56157-197A, 56157-198, 56157-199A, 56157-200A, 56157-201, 56157-202A, 56157-203A, 56157-204A, 56157-205, 097-CMP-01

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

Notes to Applicant

1. 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.
2. During the construction phase **escape routes** should be provided from any open trenches to prevent small mammals becoming trapped or drowning should they fill with water.

No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

3. The applicant is advised that in order to comply with 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.
4. 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 Ampthill Road, Bedford MK42 9BD.

5. 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.
6. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the estate roads as highways 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.
7. 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 developer's 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.
8. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 0300 300 8049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.
9. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should 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.

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

Planning permission has been granted for this proposal. 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.

[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 of a correction to the report and additional information / Surveys submission as set out in the Late Sheet attached to these minutes.
3. The Committee noted an additional condition No. 19 and amendments to conditions 2, 9, 14 and 20 as set out in the Late Sheet attached to these minutes and as set out above.]