

## **Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/14/04634/FULL</b>
<b>LOCATION</b>	<b>Land to the rear of The Wrestlers, 126 Church Street, Langford, Biggleswade, SG18 9NX</b>
<b>PROPOSAL</b>	<b>Erection of 10 no. dwellings with access, parking, associated landscaping and public open space</b>
<b>PARISH</b>	<b>Langford</b>
<b>WARD</b>	<b>Stotfold &amp; Langford</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Clarke, Saunders &amp; Saunders</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>26 November 2014</b>
<b>EXPIRY DATE</b>	<b>25 February 2015</b>
<b>APPLICANT</b>	<b>Rowan Homes (NHH) Limited</b>
<b>AGENT</b>	<b>Beacon Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major Development and Departure from Policy HA22</b>

**RECOMMENDED DECISION** That Planning Permission be granted subject to the expiry of the advertisement in the local press and the completion of the S106 Agreement securing a financial contribution to the Parish Council for the provision of a MUGA and the transfer of the public open space land to the Parish Council

### **Reason for Recommendation**

The proposal would not fully comply with the terms of Policy HA22, however it is felt that there would be community benefits from the proposal in terms of the MUGA contribution and the area of land to be transferred as public open space in perpetuity and the off site provision for Affordable Housing at the Cambridge Road site. The applicant has demonstrated that the site cannot meet the terms of the policy in full and remain a viable scheme. Given the benefits to the community, it is considered that the proposal is acceptable despite the departure from Policy HA22.

The proposal would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its size, design and location, is in conformity with Policy DM3 of the Core Strategy and Development Management Policies, November 2009; and The National Planning Policy Framework. It is further in conformity with the Supplementary Planning Guidance: Design in Central Bedfordshire: (Revised 2014)

### **Recommendation**

That Planning Permission be granted subject to the expiry of the advertisement in the local press and the completion of the S106 Agreement securing a financial contribution to the Parish Council for the provision of a MUGA and the transfer of the public open space land to the Parish Council.

## 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 details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance therewith.**

**Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.**

- 3 **No development shall commence until details of surface water drainage 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 critical storm will not exceed the run off from the undeveloped site following corresponding rainfall event. The scheme shall be implemented in accordance with the approved details before the development is completed.**

**Reason: To ensure that adequate surface water drainage is provided to prevent increased risk of flooding both on and off site.**

- 4 **No development shall commence 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 the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. 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.**

- 5 **No development shall take place until a written scheme of archaeological investigation for an open area excavation of the area identified on Plan CBC/01/Archaeology followed by post excavation analysis and publication, has been submitted to and approved in writing 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 heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development.**

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**No development shall commence on site until 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 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.

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Development shall not commence 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:-

- all proposed boundary treatments, to include materials and dimensions;
- materials to be used for any hard surfacing across the site including access and roads;
- 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.

- 8 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.

- 9 **No development shall commence until full details of mitigation, conservation and/or enhancement measures for (protected/locally important) species shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. These measures shall include:**

- **surveys at agreed periods during (season) by an agreed expert to determine the possible presence of particular protected species previously specified by the Local Planning Authority.**
- **details of appropriate mitigation measures and contingency plans should such a protected species be found to be present and either (i) preparing for breeding, (ii) in the process of breeding or (iii) rearing young;**
- **mechanisms to enhance identified existing wildlife habitats through the development process.**
- **new hedgerows along the boundary of the public open space to encourage wildlife habitats.**

**The works shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure all impacts from development are taken into account and mitigated.**

- 10 **No development shall commence at the site before details of how the development will achieve 10% or more of its own energy requirements through on-site or near-site renewable or low carbon technology energy generation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: In the interest of sustainability.**

- 11 **No development shall commence until a Site Waste Management Plan has been submitted to and approved by the Local Planning Authority. Development shall be completed in accordance with the approved details.**

**Reason: To ensure a satisfactory form of development.**

- 12 Before development begins, a scheme for the parking of cycles on the site and for Plot 9 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development 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 in the interests of encouraging the use of sustainable modes of transport.

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

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Location Plan, SC-01 rev D, SC-02, SC-03 rev C, SC-06 rev C, SC-04 rev B, SC-05 rev C, SC-07 rev B, SC-08 rev B, SC-09 rev B, SC-10, WRSTRP-SEPT14, Stage 1 Road Safety Audit J-D0950.00RSA1.0, Transport Statement J-D1736.00\_R2, Flood Risk Assessment ENV/0104/12FRA, Archaeological Evaluation Report No. 800 May 2012, Construction Waste and Material Recycling Statement, Phase 1 Habitat Survey, BS5837 Tree Survey.

Reason: For the avoidance of doubt.

### **Notes to Applicant**

1. The surface water drainage scheme should also include details of a site specific ground investigation report to determine the infiltration capacity of the underlying geology and the ground water level as well as details of how the scheme shall be maintained and managed after completion.
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. As the site is of long historic use there may be unexpected materials or structures in the ground. It is the responsibility of the Applicant to ensure safe and secure conditions, so any indications of potential contamination problems should be forwarded to the Contaminated Land Officer, Andre Douglas, for advice, on 0300 300 4004 or via [andre.douglas@centralbedfordshire.gov.uk](mailto:andre.douglas@centralbedfordshire.gov.uk).
4. 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 at the junction onto Church Street. 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 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.

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.

The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010"

5. 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.

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

The application is recommended for approval. 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 the consideration of the application the Committee were advised of the need to delete Conditions 12 and 13 and amendments to Conditions 16, 18 and 19. Committee noted clarification on the MUGA and revised plans that had been submitted as set out in the Late Sheet appended to these minutes.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.