

Item No. 15

APPLICATION NUMBER CB/15/02223/OUT
LOCATION Former site of Windy Willows Nursery, Sundon Road, Houghton Regis
PROPOSAL Demolition of existing site buildings and proposed residential redevelopment comprising up to 30 new homes (Resubmission of application CB/15/00524/OUT)
PARISH Houghton Regis
WARD Parkside
WARD COUNCILLORS Cllr Ryan
CASE OFFICER Stuart Robinson
DATE REGISTERED 15 June 2015
EXPIRY DATE 14 September 2015
APPLICANT Southern & Regional Limited
AGENT Phillips Planning Services Limited
REASON FOR COMMITTEE TO DETERMINE Departure from Development Plan and Town Council objection to a major application

RECOMMENDED DECISION That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a prior Section 106 Agreement and subject to conditions.

Recommendation

That, the Development Infrastructure Group Manager be authorised to GRANT Planning Permission subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the completion of a prior Section 106 Agreement to secure planning obligations as summarised in this report and subject to conditions:

RECOMMENDED CONDITIONS / REASONS

- 1** Approval of the details of the appearance, landscaping, layout and scale (herein called 'the reserved matters') of the development shall be obtained in writing from the local planning authority before development is commenced in that area. The development shall be carried out in accordance with the approved details.

Reason: To comply with Article 4 (1) of the Town and Country Planning (Development Management Procedure) Order 2015. This information is required prior to commencement of the development as it will provide the detail necessary for this development to be delivered.

- 2 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission. The development shall begin no later than two years from the approval of the final reserved matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 **No development shall commence until a detailed surface water drainage scheme for the site, with detailed design, management and maintenance plans, has been submitted to and approved in writing by the Local Planning Authority. The detailed design must be based on sustainable principles, the national Non-statutory Technical Standards for Sustainable Drainage Systems and a detailed site-specific assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented prior to first occupation of the development in accordance with the approved details before the development is completed.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 49 of the emerging Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014. This condition must be approved prior to construction as the construction of the development prior to the implementation of the surface water drainage scheme may have a detrimental impact upon the surface water drainage of the site and the surrounding area.

- 4 **Prior to the first occupation of the development a scheme of highways improvement works has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details regarding improvements to footways/cycleways , including connectivity to establish shared footways/cycleways to the existing urban area of Houghton Regis to the west. The submission shall also include a timetable for the implementation of any necessary works. The works shall be carried out in accordance with the agreed timetable.**

Reason: To ensure that the proposed highways improvement works are appropriate and proportional to the mitigation required and are constructed to adequate standard and that public rights of way are protected, enhanced and promoted as part of the development in accordance with Policy R14 of the South Bedfordshire Local Plan Review and Policies 23 and 43 of the emerging Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014. These details are required prior to occupation of the development in order to establish sustainable transport routes to the existing settlement.

- 5** No development shall commence until the following documents have been submitted to and approved in writing:
- (a)** A Phase 2 investigation report as recommended by the previously submitted February 2015 Nott Group Desk Study Report.
 - (b)** Remediation Method Statement if the Phase 2 investigation report discovers the need for remediation.

Reason: To protect and prevent risks to human health, groundwater and the wider environment in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 49 of the emerging Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014. Details are required prior to commencement of development in order to identify any issues and appropriate mitigation which may impact the construction of the development.

- 6** Prior to the first occupation of the development a Validation Report (including photographs and depth measurements) shall be submitted to and approved in writing by the Local Planning Authority. Any unexpected contamination discovered during works should be brought to the Attention of the Local Planning Authority.

Reason: To protect and prevent risks to human health, groundwater and the wider environment in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 49 of the emerging Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014. Details are required prior to occupation of the development in order to confirm that any contamination has been appropriately managed and to ensure that further mitigation is not required while residents are present.

- 7** No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:

- a)** Construction Activities and Timing;
- b)** Plant and Equipment, including loading and unloading;
- c)** Construction traffic routes and points of access/egress to be used by construction vehicles;
- d)** Details of site compounds, offices and areas to be used for the storage of materials;
- e)** Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;
- f)** Details for the monitoring and review of the construction process including traffic management (to include a review process of the CEMP during development).

Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site.

The development hereby permitted shall be carried out only in accordance with the approved CEMP.

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 44 of Development Strategy for Central Bedfordshire. These details are required prior to construction of the development as the details will directly influence how the construction is managed.

- 8 The development shall source 10% of the energy demand from renewable or low carbon sources as a minimum.

Reason: To ensure that the development achieves high energy standards, to mitigate the impacts of climate change and to deliver sustainable and resource efficient development in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policy 47 of the emerging Development Strategy for Central Bedfordshire and in accordance with Section 10 of the National Planning Policy Framework.

- 9 **No development shall commence until a scheme of habitat mitigation, enhancement and conservation measures has been submitted to and approved in writing by the Local Planning Authority. The schemes of habitat mitigation shall be informed by the Ecological Appraisal (June 2015) and shall include:**
- (a) General construction safeguards and measures**
 - (b) Safeguards in respect of roosting bats, hedgehogs and nesting birds**
 - (c) Details of a sensitive lighting scheme**
 - (d) Provision of invertebrate dead wood piles**
 - (e) Provision of bat boxes**
 - (f) Provision of bird boxes**

The development hereby permitted shall be carried out only in accordance with the approved details.

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of the emerging Development Strategy for Central Bedfordshire Revised Pre-Submission Version June 2014. These details are required prior to construction of the development as the details will directly influence how the construction is managed.

- 10 **No development shall take place until a written scheme of archaeological resource management; that includes post excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in full accordance with the approved 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 and to secure the protection and management of archaeological remains in accordance with paragraph 141 of the National Planning Policy Framework. Details are required prior to commencement of development so that the development does not unavoidably affect the heritage assets with archaeological interest before they can be protected and managed.

- 11 No dwelling hereby permitted shall be occupied until a scheme for the provision of waste receptacles has been submitted to and agreed in writing by the local planning authority. The receptacles shall be provided before occupation takes place.**

Reason: To provide sufficient provision for secure and appropriate storage and removal of waste in accordance with Policy BE8 of the South Bedfordshire Local Plan Review and Policies 43 and 44 of the Development Strategy for the emerging Central Bedfordshire Revised Pre-Submission Version June 2014. These details are required prior to occupation of the development in order to guarantee that waste storage and removal can take place when the development is occupied.

- 12 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, Project Number: 093992, Drawing No. 15-01 and 15-05 and Drawing No. 1321-01.

Reason: To identify the approved plans and to avoid doubt.

Notes to Applicant

- 1 The applicant must note that the application site has several significant constraints which have an impact upon the future design of the layout and the wider development. The applicant must note that indicative layout's proposed connections through to neighbouring sites to provide sustainable access to the Houghton Regis North Strategic Allocation. Any detailed layout should incorporate this element.
- 2 The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS).
- 3 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.
- 4 In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development

Strategy for Central Bedfordshire (DSCB).

- 5 Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.
- 6 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 Management Group, 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.
- 7 The applicant is advised that in order to comply with the conditions 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 Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
- 8 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 Management Group, 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.
- 9 The development of the site is subject to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
- 10 There is a duty on the applicant 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.

[Notes:

In advance of consideration of the application the Committee were advised of the following:

1. Additional comment relating to a new government policy statement relating to intentional unauthorised development and Green Belt protection which was published on 31 August 2015.
2. Condition 4 was revised as above.]

