

## Item No. 7

<b>APPLICATION NUMBER</b>	<b>CB/15/02102/FULL</b>
<b>LOCATION</b>	<b>Land to the East of High Road, Shillington, Hitchin, SG5 3LL</b>
<b>PROPOSAL</b>	<b>Erection of 19 dwellings following demolition of existing village hall, off road parking, private amenity garden space, landscaping, public open space and erection of double garage for No. 37 High Road.</b>
<b>PARISH</b>	<b>Shillington</b>
<b>WARD</b>	<b>Silsoe &amp; Shillington</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Ms Graham</b>
<b>CASE OFFICER</b>	<b>Alex Harrison</b>
<b>DATE REGISTERED</b>	<b>18 June 2015</b>
<b>EXPIRY DATE</b>	<b>17 September 2015</b>
<b>APPLICANT</b>	<b>Rowan Homes and Shillington Village Hall (Charity No. 300066)</b>
<b>AGENT</b>	<b>Optimis Consulting</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application is a major application that is contrary to development plan policy.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Approval Recommended</b>

### **Recommendation:**

That Planning Permission be granted subject to the completion of a S106 agreement and subject to the following:

### **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 works on the construction of the dwellings hereby approved 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.

- 3 **No development shall take place until details of the existing and final ground and slab levels of the buildings 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. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: To ensure that an acceptable relationship results between the new development and adjacent buildings and public areas.**

- 4 **Notwithstanding the details in the approved plans, 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 scheme shall include the retention of the existing hedgerow planting on the boundaries of the site and shall propose additional planting to strengthen these boundaries. 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.**

- 5 **None of the dwellings hereby approved shall be occupied until a scheme has been submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected which shall include acoustic fencing on the western boundary of the site. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied and be thereafter retained.**

**Reason: To safeguard the amenities of the neighbouring occupants and the future occupiers of the buildings.**

- 6 **No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a Construction Traffic Management Plan which details access arrangements for construction vehicles, on-site parking and loading and unloading areas, materials storage areas and wheel cleaning facilities. The construction of the development hereby approved shall then be carried out in accordance with the approved details.**

**Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.**

- 7 The development shall not be occupied or brought into use until the parking scheme shown on Drawing No. 12494 200 F has been completed. The scheme shall thereafter be retained for this purpose.

Reason: To ensure provision for car parking clear of the highway.  
(Policy 27, DSCB)

- 8 **No development shall take place unless and until the following have 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.**

**Reason: The details are required prior to commencement to protect human health and the environment in accordance with policy DM3 of the Core Strategy and Development Management Policies (2009).**

- 9 None of the dwellings hereby approved shall be occupied until all access and junction arrangements serving the development have been completed in accordance with the approved plans and all other existing access points within the highway frontage of the site have been stopped-up by raising the existing dropped kerb and reinstating the footway to the same line, level and detail as the adjoining footway.

Reason: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience.

- 10 **No development shall take place until a written scheme of archaeological investigation; that includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.**

**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 affected as a consequence of the development and to make the record of this work publicly available.

11 **Prior to the commencement of development a scheme setting out measures for protecting all trees, shrubs and other natural features during construction work shall be submitted to and approved in writing by the Local Planning Authority. No work shall commence on site until all trees, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**

- **for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;**
- **for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;**
- **for other natural features along a line to be approved in writing by the Local Planning Authority.**

**Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.**

**Reason:** To safeguard the existing trees on the site in the interests of visual amenity.

12 **No development on the dwellings hereby approved shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing how renewable and low energy sources would generate 10% of the energy needs of the development and also showing water efficiency measures achieving 110 litres per person per day. The works shall then be carried out in accordance with the approved details.**

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

13 **Notwithstanding the details in the approved plans, no development shall take place until the detailed design and associated management and maintenance plan for the proposed surface water drainage for the site, based on sustainable principles and a detailed site specific assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

**Reason: To ensure the approved system will function to a satisfactory minimum standard of operation for the lifetime of the development.**

- 14 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 highway works approved under any reserved matters application 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.

- 15 Notwithstanding the details submitted in the approved plans, no development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of a revised site layout showing an amended highway layout that includes the provision to of a formal turning head within the site and development shall be carried out in accordance with the approved details.

Reason: To ensure adequate arrangements to accommodate for refuse collection in the interests of highway safety.

- 16 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 on-street parking which could adversely affect the convenience of road users.

- 17 Prior to the occupation of the first dwelling, a scheme for the provision, management and maintenance of the Public Open Space shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the management body which will be responsible for delivering the management and maintenance of the Public Open Space in accordance with the approved scheme. The Public Open Space shall be laid out prior to the occupation of the 19<sup>th</sup> dwelling and thereafter managed and maintained in accordance with the approved scheme.

Reason: To ensure the provision of public open space to an acceptable standard and to ensure it future management in the interests of high quality development and policy DM3 of the Core Strategy and Development Management Policies 2009.

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12494 200 G, 12494 201, 12494 202 A, 12494 203 B, 12494 204 B, 12494 205, 12494 206 A, 12494 208, 12494 209 A, 12494 100, 12494 101, 12494 102 p1, 12494 103, 12494 104, 12494 105 and 12494 106 A.

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. Applicant is advised to note that the requirements of surface water drainage proposals in condition 13 should include proposals that take account of the enlarged curtilage area of No 37 High Road and the approved garage to be constructed.

### **Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution took place regarding the design of 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) Order 2015.

#### [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 additional consultation / publicity responses from the following and additional / amended conditions as detailed in the Late Sheet appended to these minutes:
  - a. Neighbour letter objecting
  - b. NHS did not consider this development on its own generate a health issue and stated one surgery in the catchment area with capacity.
  - c. Housing Development Officer
  - d. Education
  - e. 2 new highways conditions above at 15 and 16
  - f. 1 new condition for open space above at 17
  - g. Conditions 8 and 18 (formerly 15) have been amended as above.]