

Item No. 07

APPLICATION NUMBER CB/15/03693/FULL
LOCATION 101 Amphill Road, Flitwick, Bedford, MK45 1BE
PROPOSAL Redevelopment to provide 75 bedroom residential care home (use class c2),proposed access, parking, landscaping and other associated works.

PARISH Flitwick
WARD Flitwick
WARD COUNCILLORS Cllrs Mrs Chapman, Turner and Gomm
CASE OFFICER Debbie Willcox
DATE REGISTERED 29 September 2015
EXPIRY DATE 29 December 2015
APPLICANT Frontier Estates Ltd
AGENT Turley
REASON FOR COMMITTEE TO DETERMINE This is a major application that has received objections from the Town Council.

RECOMMENDED DECISION Full Application - Recommended for Approval

Recommendation:

That Planning Permission be APPROVED subject to the following:

RECOMMENDED CONDITIONS

- 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 construction work on the walls and roof of the building hereby approved shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the building 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.

(Section 7, NPPF, and Policies CS14 & DM3, CSDMP)

- 3 **No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement should detail demolition procedures and response to on site situations found, e.g. exposure of extensive roots immediately below removed surfaces, positioning and construction methods of areas of no dig construction surfacing, detailed proposed works to trees, detail and confirmation of tree protection fencing and a timetable for works to be adhered to with regards on site arboricultural supervision. No equipment, machinery or materials shall be brought on to the site for the purposes of development until the tree protection fencing has been erected in the agreed positions. 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: The condition must be pre-commencement to ensure the protection of the trees on the site that are proposed to be retained during any phase of the demolition and construction period, including ground works.

(Sections 7 & 11, NPPF and Policies DM3 & DM14, CSDMP)

- 4 The development hereby approved shall not be occupied 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.

(Sections 7 & 11, NPPF and Policies CS14 & DM3, CSDMP)

- 5 **No development shall take place until a detailed surface water drainage scheme and associated construction and management/maintenance plans for the site, based on the agreed 'Flood Risk Assessment (CSB/KM/E/17158/B4, 22 September 2015)', has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the scheme shall include a restriction in run-off and surface water storage on site as outlined in the application for B/15/03693/FULL. The scheme shall subsequently be implemented prior to any occupation of the development in accordance with the approved details before the development is completed and shall be managed and maintained thereafter in accordance with the agreed management and**

maintenance plan.

**Reason: The discharge of condition must be pre-commencement to reduce limitations on the possibilities for the drainage scheme. The scheme will prevent the increased risk of flooding, improve and protect water quality, and improve habitat and amenity.
(Sections 10 & 11, NPPF)**

- 6 The development shall not be occupied until two bat boxes and two Schwegler swift boxes have been positioned in accordance with part 5 of the 2014 Ecological Appraisal and two Schwegler 1SP sparrow terraces have been incorporated into the building and 1 nest box has been located on retained mature trees.

Reason: To provide a net gain in biodiversity on the application site.
(Section 11, NPPF)

- 7 Work on the construction of the building hereby permitted shall not commence until a detailed scheme of noise attenuation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the internal noise levels from transportation and internal mechanical noise sources shall not exceed 35dB LAeq 07.00 – 23.00 in any habitable room or 30dB LAeq 23.00 – 07.00 and 45 dB LMax 23.00 – 07.00 inside any bedroom, and that external noise levels from transportation noise sources shall not exceed 55dBLAeq (1hr) in outdoor amenity areas. Any works which form part of the scheme approved by the Local Planning Authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the local planning authority, before the building is occupied, unless an alternative period is approved in writing by the Authority.

Reason: To ensure that the future occupiers of the development are not adversely affected by the external noise sources.
(Section 7, NPPF and Policies CS14 & DM3, CSDMP)

- 8 Noise resulting from the use of any plant, machinery or equipment used in accordance with this permission shall not exceed a level of 5dBA below the background level (or 10dBA below if there is a tonal quality) when measured in accordance with BS4142:2014 at a point one meter external to the nearest noise sensitive building.

Reason: To ensure that neighbouring and future occupiers of the premises are not affected by the operational noise from the development.
(Section 7, NPPF and Policies CS14 & DM3, CSDMP)

- 9 Equipment shall be installed to effectively suppress and disperse fume and/or odours produced by cooking and food preparation. Full details of the method of odour abatement and all odour abatement equipment to be used, including predicted noise level of the equipment in operation, shall be submitted to and approved by the Local Planning Authority prior to the installation of the equipment. The approved equipment shall be installed and in full working order to the satisfaction of the local planning authority prior to

the building hereby approved being brought into use and shall be maintained thereafter.

Reason: In order to prevent adverse impact of odours arising from the cooking activities on the amenity of the neighbours.
(Section 7, NPPF and Policies CS14 & DM3, CSDMP)

- 10 The development hereby permitted shall not be occupied or brought into use until a lighting design scheme and an impact assessment devised to eliminate any detrimental effect caused by obtrusive light from the development on neighbouring land uses have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be prepared by a suitably qualified lighting engineer in accordance with the relevant publications and standards. The external lighting shall be installed in accordance with the approved details and maintained thereafter.

Reason: To ensure that obtrusive light does not have a detrimental effect upon the neighbouring occupiers.
(Section 7, NPPF and Policies CS14 & DM3, CSDMP)

- 11 No occupation of the development hereby permitted shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

a) A Supplementary Investigation to incorporate soft landscaping soil quality provision and following sampling of the previously referenced former fuel tank, along with detailed remedial solutions should potential risks be discovered.

b) the effectiveness of any remediation implemented shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs and depth measurements).

Reason: To ensure that risks from land contamination to the future users of the land are minimised.
(Section 11, NPPF)

- 12 The development hereby permitted shall not be occupied until the junction of the proposed vehicular access with the highway has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.
(Section 4, NPPF and Policies CS14 & DM3, CSDMP)

- 13 The development hereby permitted shall not be occupied until the area of public highway between the approved boundary fence along Ampthill Road and the existing footway has been reinstated as footway, constructed to highway specification.

Reason: In the interests of highway safety and pedestrian movement.
(Section 4, NPPF & Policies CS14 & DM3, CSDMP)

- 14 The development hereby approved shall not be occupied until all on site vehicular parking and turning areas have been surfaced in a stable and durable manner in accordance with the approved plans. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits (Section 4, NPPF and Policies CS14 & DM3, CSDMP)

- 15 The development hereby permitted shall not be brought into use until a scheme for the secure and covered parking of cycles on the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.
(Section 4, NPPF)

- 16 **No development shall take place until a scheme detailing provision for on site parking for construction workers and deliveries 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: The condition must be discharged prior to commencement of the development to ensure adequate off street parking during the construction period in the interests of road safety.
(Section 4, NPPF and Policies CS14 & DM3, CSDMP)**

- 17 **No development shall take place until wheel-cleaning facilities have been provided at all site exits. These facilities shall be maintained and employed at all times during the construction of the development for the cleaning of the wheels of all lorries leaving the site.**

**Reason: The condition must be pre-commencement to minimise the impact of construction vehicles on the local area and to prevent the deposit of mud or other extraneous material on the highway during the construction period.
(Sections 4 & 7, NPPF and Policies CS14 & DM3)**

- 18 No implementation of the proposed boundary treatment shall take place until a method statement for the installation of the boundary treatment in a way that would prevent harm to the Root Protection Areas of the retained trees (as identified by approved drawing no. 1410-20-P-12) has been submitted to and approved in writing by the Local Planning Authority. The boundary

treatment shall subsequently be installed in accordance with the approved method statement.

Reason: To safeguard existing trees and hedgerows.
(Sections 7 & 11, NPPF and Policies CS14 & DM3, CSDMP)

- 19 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 17158-1001.1, 17158-1001.2, 1853 S001 Rev A, 1853 PL001 Rev A, 1853 PL002 Rev A, 1853 PL003 Rev A, 1853 PL004 Rev D, 1853 PL005 Rev A, 1853 PL006, 1853 PL007 Rev A, 1853 PL008 Rev A, 1853 PL009 Rev C, 141020-P-10, 141020-P-11, 141020-P-12, 17158/ 1002, 17158/1003, 17158/1004.

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

INFORMATIVE NOTES TO APPLICANT

1. In accordance with Article 35 (1) 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 Central Bedfordshire Core Strategy and Development Management Policies (North) (CSDMP) and the National Planning Policy Framework (NPPF).
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. For further information in regards to the requirements for the Surface Water Drainage Scheme that must be submitted to discharge Condition 5, the applicant is advised to contact Alys Bishop of the Council's Flood Risk Management Team on 0300 300 8635 or floodrisk@centralbedfordshire.gov.uk.
4. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

5. Any unexpected contamination discovered during works should be brought to the Attention of the Planning Authority.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to. The British Standard for Subsoil, BS 8601 Specification for subsoil and requirements for use, should also 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.

6. The applicant's attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

7. 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 modification to the barrier at the existing pedestrian crossing and footway works. Further details can be obtained from the Development Control Group, Development Management Division, Central Bedfordshire

Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ.

8. 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".
9. 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.

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

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) 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 comments as detailed in the Late Sheet from the following:
 - a. revised plans have been received and highways have removed the need for their condition. Original condition 12 has been deleted and the remaining conditions renumbered.
 - b. The ward was confirmed as Flitwick but no comments were received from Flitwick Town Council but Ampthill Town Council did submit comments as the adjoining ward.
 - c. Condition 19, formerly 20, included the revised plan numbers.]