

## **Item No. 8**

<b>APPLICATION NUMBER</b>	<b>CB/16/00181/FULL</b>
<b>LOCATION</b>	<b>Land to the rear of 33 to 57 Shortmead Street, Biggleswade, SG18 0AT</b>
<b>PROPOSAL</b>	<b>Construction of 30 No. dwellings and associated road, demolition of commercial premises.</b>
<b>PARISH</b>	<b>Biggleswade</b>
<b>WARD</b>	<b>Biggleswade North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Jones &amp; Mrs Lawrence</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>28 January 2016</b>
<b>EXPIRY DATE</b>	<b>28 April 2016</b>
<b>APPLICANT</b>	<b>Mayfair Holdings</b>
<b>AGENT</b>	<b>RDC</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>This is a major application and the Town Council has objected</b>
<b>RECOMMENDED DECISION</b>	<b>Approval</b>

### **Recommendation:**

That Planning Permission is granted subject to the following conditions and the satisfactory completion of a S106 Agreement reflecting the heads of terms set out in the report.

### **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 commence at the site before the following has been submitted to and approved in writing by the Local Planning Authority:**

**A Phase 1 Desk Study report prepared by a suitably qualified person adhering to BS 10175 and CLR 11 documenting the ground and material conditions of the site with regard to potential contamination.**

**Reason: To protect human health and the environment in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009). The nature of this condition requires that it is addressed prior to commencement.**

- 3 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:

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175 and CLR 11, incorporating all appropriate sampling, prepared by a suitably qualified person.

Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 Remediation Scheme (RS) prepared by a suitably qualified person, with measures to be taken to mitigate any risks to human health, groundwater and the wider environment, along with a Phase 4 validation report prepared by a suitably qualified person to confirm the effectiveness of the RS.

Any such remediation/validation should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

- 4 Prior to the occupation of any dwelling at the site, details of surface materials for vehicular areas shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details in advance of the occupation of any dwelling at the site.

Reason: So as to safeguard highway safety and minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 5 The access to the site and the car parking shown on the approved plans shall be completed in advance of the first occupation of any dwelling at the site and shall be permanently retained and maintained thereafter.

Reason: To ensure that adequate and appropriate access and parking arrangements are provided at all times in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 6      **No development shall commence at the site before a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved Statement.**

**Reason:** In the interest of highway safety and living conditions at neighbouring properties in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). The nature of the details required by the condition require that it is addressed prior to commencement.

- 7      **Notwithstanding the information submitted with the planning application, no development shall commence at the site before a revised Arboricultural Impact Assessment and Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include procedures and methods for site clearance, construction and the proposed retaining wall including removal of existing hard surfacing and proposed foundation design within root protection areas and associated level changes and details and distances of tree protection fencing and ground protection in line with BS5837 2012 Trees in relation to Design, Demolition and Construction. The development shall be carried out in accordance with the approved Statement.**

**Reason:** To ensure that retained trees at the site are suitably protected in accordance with Policy DM14 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). The nature of the details required by the condition require that it is addressed prior to commencement.

- 8      **Notwithstanding the submitted details, no development shall commence at the site before a detailed Landscaping Scheme for the site including hard and soft landscaping, boundary treatment, species, sizes and densities of planting, a timetable for implementation and an ongoing Programme of Maintenance has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved Scheme.**

**Reason:** To ensure that the appearance of the site and living conditions for future occupiers are acceptable in accordance with Policies DM3 and DM14 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). The nature of the details required by the condition require that it is addressed prior to commencement.

- 9        **Notwithstanding the details shown on the submitted drawings, no development shall commence at the site before a Schedule of Materials to be used in the construction of the buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Schedule.**

**Reason: To ensure that the appearance of the development and its impact on heritage assets is acceptable in accordance with Policies DM3 and DM13 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). The nature of the details required by the condition require that it is addressed prior to commencement.**

- 10       **Notwithstanding the submitted details, no dwelling shall be occupied at the site before a Scheme for Biodiversity Enhancement at the site has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be carried out as approved in advance of the occupation of any dwelling at the site and shall be retained and maintained permanently thereafter.**

**Reason: To ensure that ecology at the site is protected and enhanced in accordance with Policies DM3 and DM15 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).**

- 11       **No development shall commence at the site before details of how 10% of energy demand created by the development will be secured from renewable sources and how water efficiency measures will be successfully introduced at the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To ensure that suitable sustainability measures are introduced at the site in accordance with Policies DM1 and DM2 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). The nature of the details required by the condition require that it is addressed prior to commencement.**

- 12       **No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed FRA (Revision A: January 2016, R-FRA-T8070PM-01-A) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of full scale site investigation, including infiltration testing and groundwater assessment carried out in accordance with BRE 365, as well as details of how the scheme shall be maintained and managed after completion. Where revisions to the agreed strategy are proposed these shall be fully justified and approved by the Local**

**Planning Authority. The scheme shall be implemented in accordance with the approved final details before the development is completed 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 and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 NPPF. The nature of this condition requires attention prior to commencement.**

- 13 No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a management and maintenance plan for the surface water drainage, and that the surface water drainage scheme has been approved on-site as having been correctly and fully installed as per the approved details.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved, in accordance with Written statement HCWS161.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, garages at the site shall only be used for the parking of motor cars and for no other purpose unless planning permission has first been sought and obtained from the Local Planning Authority.

Reason: To ensure that sufficient car parking is provided at the site in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, there shall be no extensions or alterations to the dwellings at the site or erection of outbuildings without planning permission first having been sought and obtained from the Local Planning Authority.

Reason: To ensure that sufficient amenity spaces is provided at the site and the appearance of the development is acceptable in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009).

- 16 **No development shall commence at the site before details of existing and proposed levels at the site and its surroundings, including cross sections through the site with neighbouring buildings which have been agreed with the Local Planning Authority have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: To ensure that the appearance of the development and its relationship with neighbouring buildings is acceptable, in accordance**

**with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). The nature of this condition requires that it is addressed pre-commencement.**

- 17 **No development shall commence at the site before a scheme for the provision of cycle parking at the site has been submitted to and approved in writing by the Local Planning Authority. The cycle parking shown on the scheme that is intended for use by occupiers of a dwelling shall be provided prior to the occupation of that dwelling.**

**Reason: To ensure that sustainable methods of transport are provided at the site in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) and the Central Bedfordshire Council Design Guide (2014). The nature of this condition requires that it is addressed prior to commencement.**

- 19 **No development shall commence at the site before details of proposed boundary treatment at the site, including those of the proposed retaining wall at the west of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that the appearance of the site would be acceptable and in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009). This condition requires addressing pre commencement because it is critical to the acceptability of the development.**

- 19 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers Site Location Plan, Site Location Plan, RDC0134/110E, RDC0134/203B, RDC0134/202B, RDC0134/217A, RDC0134/216C, RDC0134/214A, RDC0134/203A, RDC0134/202A, RDC0134/204B, RDC0134/205A, RDC0134/217, RDC0134/216C, RDC0134/207B, RDC0134/208C, RDC0134/209C, RDC0134/219, RDC0134/111, RDC0134/219, RDC0134/218, RDC0134/206, RDC1034/210C, RDC1034/211C, RDC1034/217, RDC1034/222, RDC1034/223 Topographical Survey, Ecological Appraisal dated January 2015, Flood Risk Assessment rev A dated January 2016, Historic Environment Desk-Based Assessment dated January 2016, Design and Access Statement, Transport Statement dated January 2016, Planning Statement, Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement dated January 2016

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

## **INFORMATIVE 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. 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 03003008049. 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.
3. Any unexpected contamination discovered during works should immediately be brought to the attention of the Planning Authority.
4. 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.
5. 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) Order 2015 - Part 5, Article 35**

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) 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 was advised of additional consultation/publicity response, as detailed in the Late Sheet, as follows:
  - a. Three further letters of objection
  - b. A further report by MTC Engineering on behalf of a number of residents
3. In advance of consideration of the application the Committee was orally advised by the Case Officer that two of the proposed dwellings (plots 21 and 23) had three bedrooms and not two and that condition 5 required amendment to reflect the highway widening.
4. A new Informative Note to Applicant was added and the existing Informative Notes renumbered accordingly.]