

Item No. 8

APPLICATION NUMBER	CB/16/05513/FULL
LOCATION	Land and buildings at 35 - 41 High Street, builders office and entrance to Primrose Lane, Arlesey
PROPOSAL	Remodelling of the High Street, Primrose Lane, Mill Lane, Station Road junction and creation of a new southern access to land west of the High Street, demolition of existing site buildings and erection of two retail and twenty residential units
PARISH	Arlesey
WARD	Arlesey
WARD COUNCILLORS	Cllrs Dalgarno, Shelvey & Wenham
CASE OFFICER	Donna Lavender
DATE REGISTERED	09 December 2016
EXPIRY DATE	10 March 2017
APPLICANT	Warden Developments Limited, Samuel Beadie (Arlesey) Limited
AGENT	Phillips Planning Services Limited
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Major Development with Town Council Objection Full Application - Recommended for Approval, subject to the completion of a S106 agreement

Recommendation:

That Planning Permission be APPROVED subject to the completion of a 106 Agreement and 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 **Development shall not begin on Phase two (as identified blue on plan number 17-01 Phasing Plan), until all construction and technical details of the remodelling of the junction including any necessary amendments to the approved drawings, to ensure it operates satisfactorily prior to the completion of the link road and its connection with the High Street at its northern end, the provision of a loading bay on the northern side of the link road and of parking restrictions on both sides of the new link road have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.**

Reason: In the interest of highway safety and in order to minimise danger, obstruction and inconvenience to users of the highway, in accordance with policy DM3 of the Core Strategy and section 7 of the NPPF.

- 3 No development above base course level on each phase (as identified on plan 17-01 Phasing Plan) shall take place until details of all external materials for that phase 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 control the appearance of the buildings in the interests of the visual amenities of the locality in accordance with Policy DM3 of the Core Strategy and Section 7 of the NPPF.

- 4 **No development shall take place for each phase (as identified on plan 17-01 Phasing Plan) until a detailed surface water drainage scheme for that phase of the site including a management and maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The scheme design shall be based on sustainable drainage principles in accordance with the Council's Sustainable Drainage SPD and an assessment of the hydrological and hydro geological context of the development. The scheme shall be implemented in accordance with the approved details and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**

Reason: This condition is pre-commencement condition as it is important 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 Section 10 of the NPPF.

- 5 **No development shall take place for each phase (as identified on plan 17-01 Phasing Plan) until a landscaping scheme relevant to that phase 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: This condition is pre-commencement condition as it is important to ensure an acceptable standard of landscaping, in accordance with Sections 7 and 11 of the NPPF.

- 6 Any external lighting to be installed, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall not

be installed until details have been submitted to approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.

Reason: To protect the visual amenity of the site and in the interests of biodiversity in accordance with Policy DM3 of the Core Strategy and Section 7 of the NPPF.

- 7 No development above base course level for each phase (as identified on plan 17-01 Phasing Plan) shall take place until a plan for that relevant phase has been submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality, in accordance with Section 7 of the NPPF.

- 8 **No development shall take place for each phase (as identified on plan 17-01 Phasing Plan) until details of the existing and final ground and slab levels of the buildings relevant to that phase hereby approved have been submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: This condition is pre-commencement condition as it is important to ensure that an acceptable relationship results between the new development and adjacent buildings and public areas. (Section 7, NPPF)

- 9 No development above base course level for each phase (as identified on plan 17-01 Phasing Plan) shall take place until details of materials to be used in the construction of all road surfaces, footways and parking areas, including kerbs relevant to that phase, have been submitted to and approved in writing by the Local Planning Authority. The surfaces shall be constructed in accordance with the approved details.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality. (Section 7, NPPF)

- 10 No building /dwelling for each phase (as identified on plan 17-01 Phasing Plan) shall be occupied until a scheme for the provision of ecological enhancement measures relevant to that phase has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the development provides a net gain in biodiversity. (Section 11, NPPF)

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

- **proposals for environmental activities and timing;**
- **construction activities and timing;**
- **plant and equipment; construction traffic;**
- **details of site compounds, offices and areas to be used for the storage of materials;**
- **emergency planning and incidents**
- **on site procedures for traffic management and parking, air and dust quality, noise and vibration, temporary surface water drainage during construction**

The CEMP shall be implemented in accordance with the approved details for the duration of the construction period.

Reason: This condition is pre-commencement condition as it is important that details are required prior to work commencing on site in order to minimise danger, obstruction and inconvenience to users of the highway and the site.

12 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order with or without modification) no garage accommodation may be converted to additional living accommodation.

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.

13 Any external service kiosks and equipment boxes to serve the development will not be provided unless the location and method of enclosure has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure that such equipment is located in unobtrusive positions in the streetscape and compliments the materials and appearance of the surrounding development. (CS14 and DM3 of the Core Strategy and Section 7 of the NPPF.)

14 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order with or without modification) no building erected for the protection of gas transporter plant or machinery, electricity plant or machinery, or telecommunications equipment shall be permitted until detailed plans and elevations have been submitted to and approved in writing by the Council.

Reason: To ensure that such equipment is located in unobtrusive positions in the streetscape and compliments the materials and appearance of the surrounding development. (CS14 and DM3 of the Core Strategy and

Development Management Policies 2009)

- 15 **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: This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the *National Planning Policy Framework (NPPF)* that requires developers to record and advance of understanding of the significance of any heritage assets to be lost (wholly or in part) as a consequence of the development. (Section 12, NPPF)

- 16 Details, including acoustic specifications of all fixed plant, machinery and equipment to be used by reason of the granting of this permission shall be submitted and approved in writing by the Local Planning Authority before installation. The development shall be carried out in accordance with the approved details and maintained in that form thereafter.

Reason: To protect the amenity of future occupiers, in accordance with policy DM3 of the Core Strategy and Section 7 of the NPPF.

- 17 The retail premises shall not be used except between the hours of 0700 to 2200 Monday to Saturday and 1000 to 1800 on Sundays, Bank or Public Holidays, without the prior agreement in writing of the Local Planning Authority.

Reason: To protect the amenity of future occupiers, in accordance with Policy DM3 of the Core Strategy and Section 7 of the NPPF.

- 18 Deliveries by commercial vehicles shall only be made to or from the retail premises between the 0800 to 1800 hours Monday to Saturday, and at no time on Sundays, Bank or Public Holidays without the prior agreement in writing by the Local Planning Authority.

Reason: To protect the amenity of future occupiers, in accordance with Policy DM3 of the Core Strategy and Section 7 of the NPPF.

- 19 No building shall be occupied on each phase (as shown on plan number 17-01 Phasing Plan) until the refuse collection and storage facilities as shown on the Refuse details dated 21.03.18 have been carried out in accordance with these approved details.

Reason: In the interest of amenity. (Policy DM3 of the Core Strategy for the North and Section 7 of the NPPF)

- 20 **No development shall take place for each phase until a further survey of the site affected by that phase, has been undertaken to ascertain as to whether there are any bats roosting on the site. If any bats are found to**

exist on site the details of measures to be undertaken to safeguard those protected species shall be submitted to and approved in writing by the Local Planning Authority. The protection measures shall be implemented to as approved in accordance with a timetable to be agreed.

Reason: This condition is pre-commencement to enable proper consideration of the impact of the development on the contribution of nature conversation interests to the amenity of the area. (Policy DM15 of the Core Strategy for the North and Section 11 of the NPPF)

- 21 If, during development, contamination not previously identified is found to be present on either phases, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out on that phase until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To protect and prevent pollution of controlled waters (that is inland freshwaters and groundwater) in accordance with the NPPF.

- 22 No building shall be occupied before the relevant car parking/loading area/cycle parking for each phase as been constructed and made available. The relevant car parking/loading area shall be permanently retained thereafter.

Reason: To ensure that adequate car parking/loading facilities/cycle parking are provided at the site. (Policy DM3 of the Core Strategy and Section 4 of the NPPF)

- 23 **No development shall take place for each phase of development (as identified on plan 17-01 Phasing Plan) until the following has been submitted to and approved in writing by the Local Planning Authority:**

A Phase 2 investigation report as recommended by the previously submitted LBH Wembley Land Contamination Assessment dated August 2016 ref LBH 4101 ver 1.5, along with a Remediation Method Statement should the Phase 2 discover the need for remediation.

**Reason: To ensure that the site is suitable for its end use and to protect human health and the water environment.
(Section 11, NPPF)**

- 24 No occupation of any permitted building for each phase of development (as identified on plan 17-01 Phasing Plan) until the following (relevant to the phase) has been submitted to and approved in writing by the Local Planning Authority:

- A Validation Report by means of which the effectiveness of the remediation implemented by any Remediation Method Statement shall be demonstrated to the Local Planning Authority (to incorporate photographs and depth measurements).

Any unexpected contamination discovered during works should be brought to

the attention of the Planning Authority.

Reason: To protect human health and the environment (Section 8 of the NPPF)

- 25 **No development shall take place for each phase (as identified on plan 17-01 Phasing Plan) until a scheme for protecting the proposed dwellings within that relevant phase from noise from road traffic and noise from the retail premises adjacent and attached to the proposed development has been submitted to and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed and shown to be effective before any permitted dwelling is occupied and thereafter maintained in accordance with the approved details.**

Reason: To protect the amenity of future occupiers of the proposed development. (Policy DM3 of the Core Strategy for the North and Section 7 of the NPPF).

- 26 **No development shall take place until wheel-cleaning facilities which prevent the deposit of mud or other extraneous material on the highway during the construction period have been install at all vehicular site exists and made operational and the Site Developer(s) shall ensure that these are used by all vehicles exiting the site until the development has been substantially completed or until the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

Reason: This condition is pre-commencement, in the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period. (Policy DM3 of the Core Strategy for the North and Section 7, NPPF)

- 27 No building/dwelling for each phase (as identified on plan 17-01 Phasing Plan) shall be bought into use until a Public Art Strategy has been submitted to an approved in writing by the Local Planning Authority. The Strategy shall address suitable themes and artistic opportunities; artists briefs and commissioning arrangements; strategies for community involvement as appropriate; timescales for implementation of the strategy; and project management and long-term maintenance arrangements. The Public Art Strategy shall then be implemented in full as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting local distinctiveness and creating a sense of place, in accordance with Policy DM3 of the Core Strategy and Section7 of the NPPF)

- 28 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 001-01A (Site Location Plan), P01L (Site Layout Plan), 04 Rev E (Proposed Layout/Junctions), 05 Rev D (Swept Path Analysis Arctic), 06 Rev D (Swept Path Analysis Large Car), 08 Rev A (Swept Path Analysis Private Drive), P08

(Existing Road Layout), P02E (Block A Ground & 1st Floor Plans), P03E (Block A 2nd Floor & roof Plans), P04G (Block A Elevations), P05C (Block B Floor Plans), P06C (Block C Floor Plans), P07C (Block D Plans), 101C (Drainage Private), 102A (Drainage), 151A (Site Survey), 154A (Highway Sections), 156A (Highway Details), 17-01 (Phasing Plan), Transport Assessment Rev B, Design & Access Statement Nov 2016, Refuse details dated 21.03.18, Land Contamination Assessment Ver 1.5, Noise Impact Assessment First Issue and Ecological Appraisal Sept 2016.

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

- 29 Development shall not begin on Phase 1 (as identified red hatched on plan number 17-01) until all construction and technical details of the access located to the south of No. 43 High Street Arlesey that shows it to be 4.8m wide has been approved by the Local Planning Authority and no building shall be occupied on Phase 1 until the junction 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)

- 30 Development shall not begin on phase two (as identified blue hatched on plan number FS-01) until details of the junction of the proposed vehicular access with Primrose Lane have been approved by the Local Planning Authority and no building shall be occupied on Phase 2 until the junction 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)

- 31 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the land reserved for the proposed section of relief road within the development have been submitted to and approved by the local planning authority. [The land shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

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

- 32 The proposed vehicular accesses shall be surfaced in bituminous or other similar durable material (not loose aggregate) as may be approved in writing by the Local Planning Authority for a distance of 5m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway

safety. (Section 4, NPPF)

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 National Planning Policy Framework (NPPF) and the Core Strategy for North Central Bedfordshire.
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. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
4. The applicant is advised that in order to comply with highway 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.
5. 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 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.
7. Notwithstanding the granting of planning permission, no enclosure of the land shall take place until such time as the highway rights over the land have been formally extinguished by a formal Stopping Up Order made under Section 247 of the Town and Country Planning Act 1980 or by the application to the Magistrates Court under Section 117 of the Highways Act 1980.
8. **Management and maintenance of adoptable streets**
The applicant is advised that to discharge highway conditions, that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
9. **Section 278 Agreement**
The applicant is advised that in order to comply with Condition 1,2 and 3 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 Highways Contract Team, Central Bedfordshire Highways, , Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
highwaysagreements@centralbedfordshire.gov.uk
10. **Surface Water Drainage**
The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Highways Contract Team, Central Bedfordshire Highways, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
11. **New Roads and Street Works Act**
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 Streetworks

Team Central Bedfordshire Highways, Priory House, Monks Walk,
Chicksands, Shefford, Bedfordshire, SG17 5TQ or by email at:
streetworks@centralbedfordshire.gov.uk

**Statement required by the Town and Country Planning (Development
Management Procedure) (England) Order 2015 - Part 6, 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.