

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **WIXAMS JOINT DEVELOPMENT CONTROL COMMITTEE** held at Room 14, Priory House, Monks Walk, Shefford on Tuesday, 29 November 2011

PRESENT

Central
Bedfordshire
Councillors:

Cllrs P N Aldis
Mrs A Barker
A R Bastable
P A Duckett

Cllrs J G Jamieson
K C Matthews
M A Smith
A M Turner

Bedford Borough
Councillors:

Cllrs Cllr R Charles
Cllr G Coombes
Cllr M Smith

Apologies for Absence:

Cllr T Hill
Cllr S J Holland
Cllr M Nawaz
Cllr P Prescod
Cllr R Rigby
P F Vickers

Officers in Attendance:

Mr I Blackley	–	Head of Development Management, Bedford Borough Council
Mr W Campbell	–	Principal Planning Officer, Bedford Borough Council
Mrs M Clampitt	–	Committee Services Officer
Mr A Davie	–	Head of Development Management, Central Bedfordshire Council
Mrs H Pattinson	–	Principal Planning Officer, Central Bedfordshire Council
Mr P Rowland	–	Assistant Director (Planning, Strategic Transport and Housing), Bedford Borough Council

WJDC/11/1 Election of Chairman

The Committee were invited to make nominations for a Central Bedfordshire Councillor to be Chairman of the Wixams Joint Development Control Committee meeting.

Cllr Ken Matthews was the only candidate nominated and seconded. He was therefore appointed Chairman for the meeting.

RESOLVED

that Councillor Ken Matthews be elected as Chairman of the Wixams Joint Development Control Committee meeting held on 29 November 2011.

WJDC/11/2 **Members' Interests****(a) Personal Interests:-**

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr G Coombes	4	Lives in the Wixams Development	Present

(b) Personal and Prejudicial Interests:-

None.

(c) Prior Local Council Consideration of Applications

None.

WJDC/11/3 **Late Sheet**

In advance of the consideration of the following Planning Application the Committee received a Late Sheet advising of comments and proposed additional/amended conditions. A copy of the Late Sheet is attached as an Appendix to these Minutes.

WJDC/11/4 **Application Nos. CB/11/02182/VOC & 11/01380/M73 - Land and Buildings at Elstow Storage Depot, Ampthill Road, Houghton Conquest****RESOLVED**

that Planning Application Nos. CB/11/02182/VOC and 11/01380/M73 relating to the Land and Buildings at Elstow Storage Depot, Ampthill Road, Houghton Conquest be approved as set out in the Schedule appended to these Minutes subject to any minor alterations made by Officers from both Councils to finalise the Section 106 agreement and conditions.

(Note: The meeting commenced at 6.30 p.m. and concluded at 6.42 p.m.)

LATE SHEET

WIXAMS JOINT COMMITTEE – 29 NOVEMBER 2011

Additional Consultation/Publicity Responses

Peacock and Smith provided the following additional response in relation to the planning applications as follows:

We have been instructed by our clients, W N Developments Ltd and Optimisation Developments Ltd, to comment further on the above planning application which seeks to vary Condition 20(i) of planning permission ref: 99/01645/OUT. The planning permission 99/01645/OUT relates to the mixed use development of The Wixams, comprising residential employment, retail, leisure, community uses and open space.

Condition 20(i) of the consent reads as follows:

“The total net retail sales floor area of the foodstore hereby permitted shall not exceed 3,500 sq m provided that no more than 15% of net retail sales area is to comprise Comparison Goods floorspace, up to a maximum of 500 sq m”

The current planning application seeks to amend this condition, to read as follows:

“The total net retail sales floor area of the foodstore hereby permitted shall not exceed 5,500 sq m provided that no more than 2,500 sq m of net retail sales area is to comprise Comparison Goods floorspace”.

We have now had an opportunity to consider the Committee Report and proposed Conditions in details and provide the following comments in relation to **proposed Condition 18**, which relates to the sales area of the enlarged foodstore.

We note that the Applicants' Retail Assessment submitted with the planning application assesses the impact of an enlarged foodstore at The Wixams with a maximum net convenience floorspace of 4,000 sq. m. We consider that this is the level of floorspace that has been assessed, the amended Condition relating to the net sales area of the enlarged store should reflect this. We do not consider that the proposed Condition 18, as currently worded, effectively controls this element of the development.

Notwithstanding our previous objection, should the Committee be minded to approve the application then we would request that Condition (Condition 18 part 9i) as set out in the Committee Report) is amended to read as follows, to be consistent with the convenience and comparison floorspace levels assessed, tested and considered by the Council.

“Retail provision in the development shall be subject to the following, unless prior consent has been given by the relevant local planning authority:

- (i) *The total net retail sales floor area of the foodstore hereby permitted shall not exceed 5,500 sq. m. provided that no more than 4,000 sq. m. of the net sales area is to comprise convenience goods floorspace and provided that no more than 2,500 sq. m. of the net retail sales area is to comprise comparison goods;...”*

We trust that the above is helpful, and we would be grateful if you could ensure that the Committee Members are informed of the above in advance of their consideration and determination of the application at the Joint Committee Meeting for Bedford BC and Central Bedfordshire Council at 6.30 pm on Tuesday 29th November 2011.

The applicant has responded to the above additional response and have confirmed that they have no objection in principle to the controlling of the convenience element of the foodstore, as well as the comparison element, in order to reflect the convenience and comparison floorspace levels assessed (by us), tested and considered by the Council – i.e. 4,000 sq m net convenience and 2,500 sq m net comparison.

Accordingly, we would be content if your Council imposed PC18 (i) as proposed by Peacock and Smith, and consider this amendment to be consistent with the reason for the condition. On a drafting point, we suggest the word ‘floorspace’ is added to the end of PC18(i).

We would be grateful if you would draw this response to your joint Committee’s attention.

Additional Comments

The comments from both the applicant and Peacock and Smith have been noted and considered by the relevant Authorities. In summary, it is felt that the proposed amendment to the wording is considered to be appropriate. As such it is recommended that if planning permission was to be granted that Condition 18 is amended to read as follows:

Amended Condition 18 (CBC & BBC)

Retail

Retail provision in the development shall be subject to the following, unless prior consent has been given by the relevant Local Planning Authority:

- (i) The total net retail sales floor area of the foodstore hereby permitted shall not exceed 5,500 sq. m. provided that no more than 4,000 sq. m. of the net sales area is to comprise convenience goods floorspace and provided that no more than 2,500 sq. m. of the net retail sales area is to comprise comparison goods floorspace;

- (ii) Retail warehousing shall be limited to sales of DIY and bulky goods (excluding bulky household electrical appliances) (Class A1) and shall not exceed 3,000m² net floor space, including any mezzanine floor space;
- (iii) Subject to justification in the tenant relocation strategy or as otherwise agreed with the relevant local planning authorities up to an additional 3000m² of net retail sales floor space shall be provided to be occupied by relocating tenants;
- (iv) Retail floor space shall principally be located in the Town Centre and Village centres, and/or the Railway Station Quarter unless otherwise agreed by the relevant local planning authorities. Any retail provision within the Employment Area shall be ancillary to the prime employment uses; and
- (v) The total gross retail floor space hereby permitted shall not exceed 15,540m² (Class A1), 500m² (Class A2) and 500m² (Class A3/A4/A5).

Reason: To ensure that adequate retail facilities are provided for the occupants of the development in accordance with the Adopted Development Brief (1999) and the Development Parameters to protect the retail facilities in surrounding areas and to reinforce the sustainability of the settlement.

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Item No. 4

SCHEDULE

APPLICATION NUMBER	CB/11/02182/VOC
LOCATION	Land and Buildings at Elstow Storage Depot, Amphill Road, Houghton Conquest
PROPOSAL	Variation of Condition: Variation of Condition 20(i) on planning permissions MB/99/01694/OUT and 99/01645/OUT dated 2 June 2006 to read "the total net retail sales floor area of the foodstore hereby permitted shall not exceed 5,500sqm provided that no more than 2,500 sqm of the net retail sales area is to comprise comparison goods floorspace
PARISH	Houghton Conquest
WARD	Houghton Conquest & Haynes
WARD COUNCILLORS	
CASE OFFICER	Hannah Pattinson
DATE REGISTERED	05 July 2011
EXPIRY DATE	04 October 2011
APPLICANT	Wixams First Limited
AGENT	Nathaniel Lichfield & Partners
REASON FOR COMMITTEE TO DETERMINE	
RECOMMENDED DECISION	Variation of Condition - Granted

Recommendation

That Planning Permission be granted subject to S106 and subject to the following conditions:

Central Bedfordshire Council Conditions**1. SCHEDULE OF CONDITIONS****1.1 Preamble to conditions**

1.1.1 Wherever in this Schedule of Conditions the Bedford Borough Council and Central Bedfordshire Council (referred to in this planning permission as the "**local planning authorities**") are given power within a condition to approve a variation to a requirement imposed by that condition, they shall only do so if satisfied that the relevant variation would not have significantly different environmental effects from that which have been assessed by the environmental statement in respect of the Outline Planning Application and otherwise would be permitted by that condition.

1.1.2 Where in these conditions details are required to be submitted they shall be submitted in writing to the local planning authority or local planning authorities within whose boundaries the relevant land, building or structure to which the planning condition relates is located or within whose boundaries the relevant action required or obligated under the condition is to be undertaken (the "**relevant local planning**

authority" or the **"relevant local planning authorities"** as the case may be) and where any approval is to be given by the relevant local planning authorities, such approval shall be in writing and wherever possible delegated to the officers of the relevant local planning authority.

1.1.3 Where there is any inconsistency in notation between the Development Framework Plan, Access and Circulation Plan, and Landscape Framework Plan, the Development Framework Plan shall prevail.

1.1.4 In these conditions unless otherwise agreed by the relevant local planning authority, the following terms shall have the meanings given to them for the purposes of interpretation of any of the provisions of this planning permission:

"Advance Planting" means those components of the Strategic Landscaping or other landscaping which are to be planted in advance of adjacent areas of built development, according to a specification and phasing scheme to be agreed with the relevant local planning authority;

"Affordable Housing" means residential accommodation where the rent or price is below those associated with open market housing such that it is accessible to persons in housing need who have an income insufficient to purchase or rent on the open market and who either:

(a) have a residential or work connection with the Borough of Bedford or Mid Bedford shire District; or

(b) are Key Workers;

"Approved Drawings" means the approved Development Framework Plan, (GV-OPA-03 rev.B), Access and Circulation Plan, (GV-OPA-04 rev.B) and Landscape Framework Plan, (GV-OPA-05 rev. B);

"Comparison Goods" means clothing, footwear, do-it-yourself and household goods (furniture, pictures, carpets and other floor coverings, major appliances, textiles and soft furnishings, hardware), recreational goods (radio, television, CD and DVD players), sports goods, toys, games and camping equipment, other recreational goods (medical equipment, perfumery, jewellery, silverware, watches, clocks and telephones);

"Convenience Goods" shall mean everyday items including food, drinks, tobacco, newspapers, magazines, books, non-durable household goods and other items which are purchased on a regular basis;

"Development Brief" means the Elstow New Settlement Planning and Development Brief adopted in September 1999;

"Development Parameters" means the development parameters set out in paragraphs 1.28, 1.29, 2.9 and 2.10 of the environmental statement submitted with the Outline Planning Application and the

Approved Drawings which together formed the basis of the environmental impact assessment of a built development consisting of buildings and engineering works for a mixed development of residential, employment, retail (A1, A2, A3, A4, A5) leisure and community uses, open space, and associated uses together with supporting infrastructure (roads, paths, cycleways, pumping station, electricity substations), public transport and car parking comprising:

- 4,500 dwellings;
- up to 28,500m2 gross floorspace B1 space;
- up to 9,000m2 gross floorspace B2 space;
- up to 9,000m2 gross floorspace B8 space;
- up to 15,540m2 gross floorspace A1 space;
- up to 500m2 gross floorspace A2 space;
- up to 500m2 gross floorspace A3/A4/A5 space;
- approximately 6000m2 gross floorspace community & indoor sports facility;
- approximately 17.2ha of educational facilities;
- approximately 62ha open space, landscape and parkland;

"**Employment Area**" means the area coloured pink on Plan 3 (Settlement Plan) of the S106 Agreement;

"**Floorspace**" or "**Floor Area**" shall unless otherwise stated refer to gross internal floor area;

"**Green Travel Plan**" means a plan setting sustainable transport objectives including measures to promote public transport use, walking and cycling;

"**Green Travel Plan floorspace thresholds**" means the indicative floorspace threshold for a given land use as follows:

Use Class	Indicative Threshold (Gross Floor Area - square metres)
A1 Food retail	1,000 m ²
A1 Non-food retail	1,000 m ²
A2 Financial and professional services	1,000 m ²
A3/A4/A5 Food and Drink	1,000 m ²

B1 Business	2,500 m ²
B2 to B7 Industry	5,000 m ²
C1 Hotels and Hostels and C2 Residential Institutions	1,000 m ²
D1 Non-residential Institutions (including Hospitals, Higher and Further Education)	2,500 m ²
D2 Assembly and Leisure	1,000 m ² or 1,500 seats for stadia
All other users and Sui Generis	Each proposal considered on its merits;

"Joint Venture" means Gallagher Estates Limited, JJ Gallagher Limited and RWE NPower PLC or their successors in title;

"Key Workers" shall mean any person employed or qualified to be employed by an organisation providing a key public service to the Borough of Bedford or Central Bedfordshire as defined by the Office of the Deputy Prime Minister or as listed below or any person who comes within other groups agreed by the relevant local planning authority and the Joint Venture and provided they have a housing need and are on a low income insufficient to meet their housing need in the open market either to rent or purchase:

- (i) the National Health Service;
- (ii) the teaching/education/early years services;
- (iii) the social services, carers services and services for the elderly;
- (iv) the fire and civil defence services;
- (v) the police service;
- (vi) the public transport services;
- (vii) all local government services; and
- (viii) the prison service;

"Landscape Buffer Zone" means the land identified coloured green on Plan 8 (Landscape Buffer and Boundary Strips) of the S106 Agreement;

"Landscape Enhancement Area" means the land identified coloured blue on Plan 9 (A6 Access Buffer Strip) of the S106 Agreement;

"Occupation" shall occur when the relevant building within the Site is used for the purpose for which it was built but for the avoidance of doubt shall not include occupation for the purposes of works carried out prior to or during construction, fitting out, decoration, commissioning, advertising, marketing, security, management of the Site or parking relating to those purposes and **"Occupy "** and **"Occupied"** shall be construed accordingly;

"Railway Station Quarter" means the part of the Site shown

"Remediation Permissions" means (i) the planning consent granted by Mid-Bedford shire District Council (Reference 24/01/1862) and Bedford Borough Council (Reference 01/02607/FUL) and (ii) the planning consent granted by Bedford Borough Council (Reference 02/00007/FUL) or any subsequent amendment or new permission for such works;

"Reserved Matters Area" means that part of a Sub-Area in respect of which a Reserved Matters Application is made;

"Reserved Matters Application" means an application for approval of reserved matters except any Strategic Infrastructure Application or Strategic Landscaping Application;

"S106 Agreement" means an agreement made under section 106 of the Town and Country Planning Act 1990 between (*inter alia*) the Councils and the Joint Venture;

"Site" means the land the subject of this planning permission as shown edged red on Plan 1 (Site Plan) of the S106 Agreement;

"Strategic Infrastructure Application" means an application for approval of reserved matters for Strategic Infrastructure Works;

"Strategic Infrastructure Works" means the following:

- (i) Earthworks and earthmoving including site re-contouring, in-filling, creation of development platforms, creation and re-modelling of water bodies, formation of greenways and open spaces and noise bunds;
- (ii) Surface and foul water drainage comprising:
 - creation of main surface water drainage channels;
 - works to Harrowden Brook to provide outfalls for Village 2, Village 3, Village 4, the Town Centre, the Railway Station Quarter and Employment Area;
 - provision of surface water and foul water sewers to provide outfalls where these serve more than one Sub-Area;
 - formation of attenuation ponds;
 - diversion of existing foul sewer across Village 2, Village 3 and Village 4, the Town Centre and the Railway Station Quarter; and
 - upgrade of pumping station in Employment Area to serve Village 2, Village 3 and Village 4, the Town Centre and the Railway Station Quarter;
- (iii) Roads and associated lighting/safety apparatus, drainage,

public utilities apparatus and works which extend over more than one Sub-Area or are located outside a Sub-Area;

- (iv) Environmental enhancement to existing A6;
- (v) Strategic footways and cycleways which extend over more than one Sub-Area or are located outside a Sub-Area; and
- (vi) The main highways in Village 1 connecting to the existing A6;

"Strategic Landscaping " means the following:

- (i) greenways;
- (ii) water features;
- (iii) parks and village greens;
- (iv) sport and recreation areas;
- (v) buffers on edge of the Site including the Landscape Buffer Zone;
- (vi) planting in support of Strategic Infrastructure Works;
- (vii) Landscape Enhancement Area,

and shall include Advance Planting as appropriate;

"Strategic Landscaping Application" means an application for approval of reserved matters for Strategic Landscaping;

"Strategic Design Guide" means The Wixams Strategic Design Guide (Rev A) dated January 2004 or subsequent revisions agreed between the Joint Venture and the relevant local planning authorities;

"Strategies" means the Strategic Design Guide; the Highways Design Guide; the Landscape Strategy; the Community and Leisure Facilities Strategy; and the Sustainability and Energy Strategy;

"Sub-Area" means each of Village 1; Village 2; Village 3 including the Town Centre; Village 4 including the Railway Station Quarter; and the Employment Area as shown on Plan 3 (Settlement Plan) of the S106 Agreement or as otherwise agreed between the Joint Venture and the relevant local planning authority;

"Sub-Area Detailed Design Brief and Code" means the guidance and design code for each Sub-Area setting out the general layout, the mix of uses and design parameters for that Sub-Area, and providing the framework for each Reserved Matters Application; and

"Town Centre" means the area shown coloured raspberry on Plan 3 (Settlement Plan) of the S106 Agreement or as otherwise agreed between the Joint Venture and the relevant local planning authority;

1.1.5 Where these conditions require details to be submitted, these shall be submitted in writing; and

1.1.6 Where any agreement, consent or approval is to be given by the relevant local planning authority, such agreement, consent or approval shall be given in writing.

1 **DEVELOPMENT PARAMETERS AND APPROVED DRAWINGS**

The development hereby permitted shall be restricted to the Development Parameters.

Reason: To ensure that the development accords with the Outline Planning Permission.

2 No development authorised by this permission shall take place unless in accordance with the Approved Drawings, or any subsequent revisions of the Approved Drawings that have been submitted to and approved by the relevant Local Planning Authority.

Reason: To allow for any rolling forward of the Approved Drawings, in particular the Development Framework Plan, as the basis for reserved matters approvals throughout the life of the development.

3 No Reserved Matters Application shall be made after the expiration of 20 (twenty) years from 02/06/2006.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990, to prevent the accumulation of unimplemented permissions.

4 **STRATEGIC INFRASTRUCTURE APPLICATIONS**

Prior to the commencement of each phase of the Strategic Infrastructure Works, the Strategic Infrastructure Application for that phase giving such details and specifications of the relevant works as are appropriate for the determination of the planning application, shall be submitted to and approved by the relevant Local Planning Authority. The Strategic Infrastructure Works shall be constructed and completed in accordance with the approved details and specifications.

Reason: To ensure that the development achieves the objectives set out in the Strategies and the Development Brief.

5 Each Strategic Infrastructure Application submitted to the relevant local planning authority shall be made in accordance with the following documents unless otherwise agreed by the relevant Local Planning Authority:

- the Development Brief;
- the Approved Drawings; and
- the Strategies (where relevant)
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6 STRATEGIC LANDSCAPING APPLICATIONS

Prior to the commencement of each phase of the Strategic Landscaping, a Strategic Landscaping Application for that phase giving such details of the relevant parts of the Strategic Landscaping as are appropriate for the determination of the planning application, shall be submitted to and approved by the relevant Local Planning Authority. The Strategic Landscape Works shall be constructed and completed in accordance with the approved details.

Reason: In order to achieve a satisfactory form of development in accordance with the Development Brief (1999) and Landscape Strategy (2005).

- 7 Each Strategic Landscaping Application submitted to the relevant local planning authority shall be made in accordance with the Landscape Strategy unless otherwise agreed by the relevant Local Planning Authorities.

Reason: To ensure that the development achieves the objectives set out in the Landscape Strategy (2005).

- 8 All planting, seeding or turfing in each phase of the Strategic Landscaping approved shall be carried out in accordance with an agreed implementation timetable. If during a period of 5 (five) years commencing with the completion of that part of the Strategic Landscaping, any trees or plants die, are removed, or become seriously damaged or diseased, they shall be replaced in the next planting season with others of similar size and species, unless the relevant Local Planning Authority agree otherwise. For the purpose of this condition a planting season shall mean the period from November to February inclusive.

Reason: To enhance the appearance of the proposed development.

9 SUB-AREA DETAILED DESIGN BRIEFS AND CODES

Unless otherwise agreed, no Reserved Matters Application shall be submitted for development on any Sub-Area (except any Strategic Infrastructure Works or Strategic Landscaping), until and unless a Sub-Area Detailed Design Brief and Code for that Sub-Area has been generated in consultation with the Local Planning Authorities and has been submitted to and approved by the Local Planning Authorities.

Reason: To ensure that the development achieves the objectives set out in the Strategies and the Development Brief.

- 10 Each Sub-Area Detailed Design Brief and Code submitted to the Local Planning Authorities shall be produced in accordance with the following

documents unless otherwise agreed by the Local Planning Authorities:

- the Development Brief;
- the Approved Drawings; and
- the Strategies.

Reason: In order to achieve a satisfactory form of development in accordance with the Development Brief.

11 Each Sub-Area Detailed Design Brief and Code submitted to the Local Planning Authorities for approval shall consist of guidance and coding relating to the following matters for that Sub-Area unless otherwise agreed by the Local Planning Authorities:

13.1 Guidance and coding on the location and distributions of the different land uses;

13.2 Guidance and coding on residential densities;

13.3 Guidance and coding on parcelisation and phasing, including the phased provision of key community facilities in accordance with the Community and Leisure Facilities Strategy;

13.4 Guidance and coding on building form, scale and design, including heights, bulk, massing, materials and detailing, colour palette and boundary treatments; and the identification of key building groups, frontages, landmarks and corner buildings, and important spaces around those buildings;

13.5 Affordable Housing: the location and distribution of affordable housing parcels;

13.6 Movement Strategy to include:

- (i) highways and access: A plan showing proposed roads, footpaths and cycleways within the Sub-Area;
- (ii) surface finishes and street furniture: Guidance and coding giving details of typical surface finishes and of street furniture for roads, footpaths, cycle-ways and car parking areas relating to that Sub-Area;
- (iii) car parking strategy, including principles of public/private split and management and maintenance of private car parking; and
- (iv) guidance and coding on speed restraint measures;

13.7 Guidance and coding on the design and distribution of landscape and open space in accordance with the Landscape Strategy, including identification of the public realm, provision of public squares, incidental green open spaces within villages and Super Local Areas of Play;

13.8 Guidance and coding on the incorporation and promotion of sustainability and renewable energy initiatives in accordance with the Sustainability and Energy Strategy and such strategy will include guidance as to the achievement of:

- (i) Energy efficient layouts;
- (ii) Energy efficient building design;
- (iii) Renewable energy generation including the safeguarding on residential buildings with a southerly aspect the option of providing in the future for energy generation by the use of solar panels or photo voltaic cells;
- (iv) Water use minimisation and recycling; and
- (v) Provision for waste recycling;

13.9 Community Safety: A statement confirming that community safety details accord with national and local guidance relating to community safety;

13.10 Guidance and coding on the incorporation of public art;

13.11 Public Transport: Guidance and coding on public transport routes, facilities and interchanges, including proposed bus stops and super-stops in accordance with the principles of the Steer Davis Gleeve "Report on Proposed Bus Services" (January 2000, updated 2003);

13.12 Lighting: A strategy for lighting of roads, footpaths, cycle routes, play areas, open spaces and all other areas accessible to the public including guidance on the height of the lighting columns and the types, colour and brightness of proposed lights, and measures to limit light pollution from development within the Sub-Area;

13.13 Disabled Access: Confirmation that 10% of the total number of residential units to be constructed shall be in accordance with the Mobility Standards set out in the Bedford Borough Council's approved document "Mobility Housing";

13.14 Public Utilities: Strategy to consult with statutory undertakers in respect of the location and appearance of statutory undertakers' plant, compounds etc. to seek to ensure that they accord with the Strategic Design Guide; and

13.15 CCTV: criteria for cameras and associated infrastructure and the guiding principles for selecting their location.

Reason: To ensure that the development achieves the objectives set out in the Development Brief (1999) and Strategies.

- 12 The Sub-Area Detailed Design Briefs and Codes shall, where appropriate, include provision to safeguard the proposed access(es) to the expansion areas, as identified in the Development Brief, from the Site in a form that is adequate to accommodate public transport and vehicles for the future development of the expansion areas. Provision shall also be included to safeguard footpath and cycleway linkages.

Reason: To ensure the comprehensive development of the Elstow New Site Development Brief Area as identified on the Figure 2 of the Development Brief (1999).

- 13 No development (except any Strategic Infrastructure Works or Strategic Landscaping) shall take place in a Sub-Area other than in accordance with the approved Sub-Area Detailed Design Brief and Code, unless otherwise

agreed by the relevant Local Planning Authority.

Reason: To ensure that the development achieves the objectives set out in the Development Brief (1999) and Strategies.

14 **CONSIDERATION OF RESERVED MATTERS APPLICATIONS**

Each Reserved Matters Application shall accord with the adopted or approved Strategies (where relevant) and with the relevant Sub-Area Detailed Design Brief and Code, unless otherwise agreed by the relevant Local Planning Authority.

Reason: To ensure reserved matters applications are in accordance with the Development Brief, Strategies and relevant Sub-Area Detailed Design Brief and Code.

- 15 Prior to the commencement of development on any Reserved Matters Area (except any Strategic Infrastructure Works or Strategic Landscaping), details of the following matters where relevant and relating to that Reserved Matters Area (except any Strategic Infrastructure Works or Strategic Landscaping) shall be submitted for approval by the relevant Local Planning Authority:

17.1 Density of development and plot ratios;

17.2 Siting and Design of Buildings: Details of the siting, design and external appearance (including all external facing and roofing materials) of all buildings;

17.3 Highways and access: Temporary and permanent highways, means of access and surfacing;

17.4 Affordable Housing: details of the Affordable Housing (if applicable) in accordance with the scheme incorporated within the Sub-Area Detailed Design Brief and Code;

17.5 Landscaping: A detailed landscape scheme(s) for areas (except public realm) to be landscaped, including play and recreation areas and including the identification of mechanisms for the long-term maintenance and management of the landscaped areas in that Reserved Matters Area;

17.6 Energy efficiency and renewable energy generation: Details of the energy efficiency measures to be incorporated into layouts and buildings, and renewable energy technologies to be incorporated (if applicable);

17.7 Noise: Design, layout and noise insulation measures, where appropriate to mitigate against transport noise from external sources as identified within the relevant Sub-Area Detailed Design Brief and Code and in accordance with any approved mitigation schemes submitted under Condition 41. The measures are to be tested by the developer to the satisfaction of the relevant local planning authority prior to Occupation of any dwelling in the relevant Reserved Matters Area;

17.8 Light Pollution: Measures to minimise potential light pollution from the Reserved Matters Area;

17.9 Public Art: The provision of public art;

17.10 Surface Water & Foul Sewage: The provision of surface water drainage and the disposal of foul sewage including the outfall points and

their connection to the Site's main surface water drainage and disposal of foul sewage network;

17.11 Details of boundary enclosures;

17.12 Refuse: Details of refuse disposal (including storage and composting) to be incorporated into the development in that Reserved Matters Area in order to meet requirements current at that point in time;

17.13 Water Conservation: water conservation measures (including recycling) to be incorporated into the development;

17.14 Car parking: Car parking (if any), including the approximate number of spaces, their location, public/private split (if applicable) public car parking pricing strategy (if applicable) and measures to reduce its visual impact;

17.15 Cycle Storage: Provision for appropriate cycle storage in any commercial areas;

17.16 Cycleways and footpaths: Details of cycleways and footpaths within the Reserved Matters Area and linkages from that Reserved Matters Area into existing public rights of way (footpaths, bridleways and by-ways), highways and proposed public rights of way and cycleways adjoining areas;

17.17 Speed Restraint: Proposed design measures for speed restraint on access roads and within residential areas;

17.18 Levels: existing and proposed ground and floor levels;

17.19 Details of bus stops and shelters: Bus stops to be designed to accommodate low-floor buses and to incorporate an appropriate length of docking kerbing (such as Kassel Kerb) for disabled access and with drop-kerb facilities to be provided next to and opposite the stop; and

17.20 CCTV: Where relevant the location of cameras and associated infrastructure.

Reason: To provide sufficient information to enable consideration of Reserved Matters Applications.

- 16 Each Reserved Matters Application shall be accompanied by a written design statement which (unless otherwise agreed with the relevant Local Planning Authority) shall demonstrate how the application takes account of the design principles contained within the relevant Sub-Area Detailed Design Brief and Code.

Reason: To ensure that the development is in accordance with the Strategic Design Guidance.

- 17 No development (except any Strategic Infrastructure Works or Strategic Landscaping) shall take place in a Sub-Area other than in accordance with the approved Reserved Matters Application, unless otherwise agreed by the relevant Local Planning Authority.

Reason: To ensure that the development is in accordance with the Development Brief, Strategies and Sub-Area Detailed Design Brief and Code.

18 **Retail**

Retail provision in the development shall be subject to the following, unless prior consent has been given by the relevant Local Planning Authority:

- (i) The total net retail sales floor area of the food store hereby permitted shall not exceed 5,500 sq m provided that no more than 4,000 sq m of the net retail sales area is to comprise convenience goods floorspace and provided that no more than 2500 sq m of the net retail sales area is to comprise comparison goods floorspace;
- (ii) Retail warehousing shall be limited to sales of DIY and bulky goods (excluding bulky household electrical appliances) (Class A1) and shall not exceed 3,000m² net floor space, including any mezzanine floor space;
- (iii) Subject to justification in the tenant relocation strategy or as otherwise agreed with the relevant local planning authorities up to an additional 3000m² of net retail sales floor space shall be provided to be occupied by relocating tenants;
- (iv) Retail floor space shall principally be located in the Town Centre and Village centres, and/or the Railway Station Quarter unless otherwise agreed by the relevant local planning authorities. Any retail provision within the Employment Area shall be ancillary to the prime employment uses; and
- (v) The total gross retail floor space hereby permitted shall not exceed 15,540m² (Class A1), 500m² (Class A2) and 500m² (Class A3/A4/A5).

Reason: To ensure that adequate retail facilities are provided for the occupants of the development in accordance with the Adopted Development Brief (1999) and the Development Parameters to protect the retail facilities in surrounding areas and to reinforce the sustainability of the settlement.

- 19 No commercial property trading as a retail unit falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 or an equivalent class in any subsequent revision or re-enactment ("Class A1") shall be used for purposes other than those falling within Class A1 unless it can be demonstrated that the marketing of the property in accordance with the agreed marketing strategy for the Sub-Area has not identified a suitable alternative occupier.

Reason: To ensure that an adequate level of retail provision is provided within the development.

20 **Employment**

No single B8 unit shall exceed 4,500 m² net floor space including any mezzanine floorspace and there shall be no internal or external alterations to enable adjoining units to be amalgamated for Class B8 use.

Reason: To ensure that distribution uses do not dominate the Employment Area and to provide a range of employment businesses and to protect the amenity of the surrounding area and to achieve the objectives of sustainable development.

- 21 B2 development shall be located within the Employment Area or Railway Station Quarter only, and located and designed so that it does not impact on the amenity of B1 or other uses, in accordance with the Employment Area Sub-Area Detailed Design Brief and Code.

Reason: To ensure that B2 uses do not impact on the amenity of B1 or other uses.

- 22 The provisions of Part 3, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), shall not apply and the development hereby permitted within Use Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 shall be limited to the floorspace applied for within each of those Use Classes.

Reason: To enable the relevant Local Planning Authorities to exercise control over future use of the building/s and to achieve the objectives of sustainable development.

23 **Environmental Standards in Houses**

All residential buildings in any Sub-Area shall be designed to meet the "very good" standard in the Ecohomes assessment, and shall be accredited on a housing standard basis by an approved BRE-licensed assessor prior to occupation.

Reason: To satisfy requirements for sustainable development contained in the Development Brief (1999).

24 **Environmental Standards in Commercial Buildings**

All commercial buildings in any Sub-Area shall be designed to meet the "very good" standard in the BRE AAM assessment, and shall be accredited by an approved BRE-licensed assessor prior to occupation.

Reason: To satisfy requirements for sustainable development contained in the Development Brief.

- 25 Prior to the Occupation of any dwelling within Village 4 accessible from the B530, a new roundabout junction as illustrated on the Access and Circulation Plan, (GV-OPA-04 rev.B) or as otherwise agreed with the relevant Local Authority shall be constructed in accordance with details submitted to and approved by the relevant Local Planning Authorities.

Reason: In the interest of highway safety.

26 **Code of Construction Practice Part B**

Prior to commencement of development of a Reserved Matters Area (excluding Strategic Infrastructure or Strategic Landscaping) or area of Strategic Infrastructure or Strategic Landscaping, a Code of Construction Practice Part B for that area shall be submitted to and approved by the relevant Local Planning Authorities. Each Code of Construction Practice Part B shall:-

- (i) accord with the measures contained in the Code of Construction Practice Part A, unless otherwise agreed with the relevant Local Planning Authorities;
- (ii) shall provide details of the construction sites and works in relation to that area; and
- (iii) shall include detailed measures to be taken:
 - (a) in relation to site fencing / site security measures;
 - (b) to provide details of traffic routes and points of access/egress to be used by construction vehicles and carting lorries;
 - (c) to set points of liaison for site monitoring;
 - (d) to minimise the impact of noise on dwellings (including residential care establishments), offices, schools, health facilities or any other premises likely to be adversely affected by construction and demolition activities in respect of that area, such measures being based on quantified existing background noise levels and predicted noise levels, and addressing internal/external noise levels at those premises;
 - (e) to suppress dust (including the provision of a monitoring scheme near to sensitive properties);
 - (f) in respect of the siting and appearance of works compounds;
 - (g) to ensure through the use of wheel cleaning facilities and street cleansing that the public highway is kept free from dirt and debris generated by the development;
 - (h) to control pumped discharge into the sewer system or any watercourses arising in respect of construction;
 - (i) in respect of directional and other such sign age; and
 - (j) to ensure the protection of or mitigation of impacts upon ecological resources and where relevant to carry out and pay due regard to a walkover resurvey for the presence of any protected species (Great Crested Newts, reptiles, bats, badgers and owls) within two weeks of the commencement of works on site.

Reason: To ensure that the works implemented will be in accordance with the relevant regulations and preserve local amenity.

- 27 All development shall be carried out in accordance with the Code of Construction Practice Parts A and B as such Codes shall be updated from time to time with the agreement of the relevant Local Planning Authority.

Reason: To ensure that the works implemented will be in accordance with the relevant regulations, planning policies and to preserve local amenity.

28 **Construction Hours**

Works of construction or demolition, including the use of plant, vehicles and machinery necessary for implementation of this consent shall only take place (other than as specifically approved in writing by the relevant Local Planning Authorities prior to any works being undertaken) between 08:00 hours and 18:00 on Monday to Friday inclusive; 08:00 hours to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the adjoining occupiers.

29 **Drainage**

No dwelling or other building constructed as part of the approved development shall be Occupied in any Reserved Matters Area until the means of foul and surface water disposal, including drainage outfalls as appropriate, for that Reserved Matters Area have been provided in accordance with the approved scheme for that Reserved Matter Areas.

Reason: To ensure the satisfactory drainage of the Site.

- 30 Any facilities located above ground for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls to contain 110% by volume of the stored substance or otherwise constructed to the satisfaction of the relevant Local Planning Authority (in consultation with the Environment Agency).

Reason: To prevent any further pollution occurring as a result of the works.

- 31 Access arrangements for the Internal Drainage Board's equipment and heavy plant for the purposes of improvement and maintenance during the works in a particular phase are to be submitted to and approved by the relevant Local Planning Authority before commencement of the development of that phase.

Reason: To prevent any flooding occurring as a result of the works.

- 32 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hard-standings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution.

33 **ENVIRONMENTAL PROTECTION**
Site Remediation

The works permitted by the Remediation Permissions within:

38.2 Village 2 shall be completed before any development (except Strategic Infrastructure Works or Strategic Landscaping) within Village 2 is commenced, unless agreed by the relevant Local Planning Authority;

38.3 Village 3 shall be completed before any development (except Strategic Infrastructure Works or Strategic Landscaping) within Village 3 is commenced, unless agreed by the relevant Local Planning Authority;

38.4 Village 4 shall be completed before any development (except Strategic Infrastructure Works or Strategic Landscaping) within Village 4 is commenced, unless agreed by the relevant Local Planning Authority;

38.5 that part of the Employment Area to the West of the existing A6 shall be completed before any development (except Strategic Infrastructure Works or Strategic Landscaping) within that part of the Employment Area to the West of the existing A6 is commenced, unless agreed by the relevant Local Planning Authority;

38.6 that part of the Site on which any particular Strategic Infrastructure Works or Strategic Landscaping are to be carried out, shall be completed before those Strategic Infrastructure Works or Strategic Landscaping are commenced, unless agreed by the relevant Local Planning Authority;

On completion of the remediation within that part of Village 1 to the West of the A6, the relevant Village, that part of the Employment Area to the West of the existing A6, the relevant part of the Site in respect of Strategic Infrastructure Works or Strategic Landscaping, the Joint Venture shall provide written confirmation that all works in such area have been completed in accordance with the agreed remediation scheme and the land is deemed to be suitable for its intended use.

Reason: To ensure the effective remediation of known land contamination.

34 **Noise**

Details of the hours of operation, delivery of goods and external sound amplification for employment and retail businesses shall be submitted to and agreed by the relevant Local Planning Authority prior to the Occupation of the particular premises. The use of the particular premises shall be in accordance with the approved details.

Reason: To safeguard the amenities of the adjoining occupiers.

35 All plant, machinery and equipment installed or operated in connection with buildings permitted by this permission shall be enclosed or attenuated so that the rating level of the noise emitted from its location does not exceed the existing background noise level at any noise sensitive receptor. All noise levels to be measured in accordance with BS4142: 1997.

Reason: To safeguard the amenities of the adjoining occupiers.

36 Prior to the submission of a Reserved Matters Application for any residential dwelling in Village 4 (unless otherwise agreed with the relevant Local Planning Authorities) a scheme to mitigate the impact of transport noise sources (as identified in the Elstow Garden Villages Environmental Statement November 1999) upon residential and general amenity within that Village shall be submitted to and approved by the relevant Local Planning Authorities. The scheme shall quantify existing background and ambient noise levels and include predicted noise levels, and will address internal/external noise levels as follows:

(i) the Daytime External Noise level within residential gardens should not exceed 57 dBA [55dBA+2dBA tolerance] measured at between 1.2m - 1.5m above site level (unless otherwise agreed by the relevant Local Planning Authorities) and on the basis of the approach set out in the "The Wixams Noise Attenuation Protocol: May 2006");

(ii) the Night Time Internal Noise level (at above ground floor level) within habitable rooms of residential properties should not exceed 35dBA when adequate ventilation is provided;

No development shall be carried out otherwise than in accordance with the approved scheme.

Reason: To safeguard the amenities of the adjoining occupiers.

37 Site Levels

All development shall be undertaken in accordance with the approved site levels details submitted and approved by the Local Planning Authority on 02/11/2006 pursuant to planning permission ref: MB/99/01694/OUT.

Reason: To safeguard the appearance of the development.

38 Species Surveys

No development shall be commenced in any Sub-Area or area covered by a Strategic Infrastructure Application or a Strategic Landscaping Application until the surveys of the following species in that particular Sub-Area or area have been updated within the previous 24 months by an ecological consultant appointed by the Joint Venture:

- (i) Great Crested Newts;
- (ii) Reptiles (including adders, common lizards and slow worms);
- (iii) Bats;
- (iv) Badgers; and
- (v) Owls,

and schemes detailing the measures necessary to either relocate the above species found in that particular Sub-Area or area or to mitigate the impact of the development on such species have been approved by the relevant Local Planning Authority. Any relevant works shall be undertaken in accordance with the approved scheme.

Reason: In order to update the existing environmental information and ensure that protected species are resurveyed, identified and mitigation measures put in place prior to the commencement of development to protect any such species in accordance with the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats & c.) Regulations 1994 and the Protection of Badgers Act 1992.

39 Bird nesting

During the breeding season prior to the proposed commencement of development in any Sub-Area or area covered by a Strategic Infrastructure Application or a Strategic Landscaping Application, an open ground bird nesting survey shall be undertaken in that particular Sub-Area or area by an ecological consultant to be appointed by the Joint Venture. No vegetation, including trees or hedges, shall be cleared from the particular Sub-Area or area during the nesting season of March to August inclusive, except where the Joint Venture can demonstrate that breeding birds are not present, without the prior approval of the relevant Local Planning Authority.

Reason: To protect any nesting birds.

40 Protection of Trees and Hedgerows

Prior to commencement of development of any Sub-Area (excluding Strategic Infrastructure or Strategic Landscaping) or area of Strategic Infrastructure or Strategic Landscaping, a strategy to protect existing trees and hedges, to be retained on that part of the Site, shall be submitted to and approved by the relevant Local Planning Authorities. This strategy shall include plans to identify where appropriate the trees and hedgerows to be protected and the measures to be employed. The approved strategy shall be implemented during any development on that part of the Site.

Reason: To ensure that the existing trees and hedges are retained where possible and are not damaged during the period of construction.

41 Landscaping

All planting, seeding or turfing in each Reserved Matters Area comprised in the approved details of landscape works shall be carried out in accordance with an agreed implementation timetable. If during a period of 5 (five) years, commencing with the completion of the development in that Reserved Matters Area, any trees or plants die, are removed, or become seriously damaged or diseased, they shall be replaced in the next planting season with others of similar size and species, unless the relevant Local Planning Authority agree otherwise. For the purpose of this condition, a planting season shall mean the period from November to February inclusive.

Reason: To enhance the appearance of the proposed development.

42 Before any work (except Strategic Infrastructure Works or Strategic Landscaping) commences on any games area or area of play open to the public in each Reserved Matters Area, a scheme indicating the provision of recreational facilities, including play equipment, safety surfacing, dog-proof fencing and playing fields in that Reserved Matters Area shall be submitted to and approved by the relevant Local Planning Authority. The scheme shall include details of the method of construction of any playing fields to include ground modelling, topsoil storage, drainage, layout, formation, levels and seeding mix. All development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development.

**43 GENERAL
Recording of buildings/structures**

Prior to the commencement of development within a Reserved Matters Area and before the demolition of any historic buildings and structures, including the WW2 munitions factory, the Joint Venture will undertake a survey and recording of such buildings and structures on the Site. Such survey is to be carried out by an organisation with relevant expertise and in accordance with a scheme of investigation to be submitted to and approved by the relevant Local Planning Authority. Copies of the survey shall be made available to the relevant Local Planning Authority upon request.

Reason: To record the historic character of the buildings for the county historic environment record and to safeguard any material of archaeological interest which exists on the Site.

- 44 All development shall be undertaken in accordance with the approved programme of archaeological work submitted to and approved by the Local Planning Authority on 02/11/2006 pursuant to planning permission ref: MB/99/01694/OUT.

Reason: To record the historic character of the site and its oral history for the Historic Environment Record and to safeguard any material of archaeological interest which exists on the site.

45 **Green Travel Plans**

No proposed industrial, commercial, retail or educational development that exceeds the relevant Green Travel Plan floorspace threshold shall be Occupied until details of a Green Travel Plan for that particular development, to encourage alternative modes of transport to and from that particular development, have been submitted by the relevant developer to the relevant Local Planning Authorities for approval, unless otherwise agreed with the relevant Local Planning Authority. The development and business/land use shall be carried out in accordance with the approved Green Travel Plan relevant for that premises.

Reason: In the interest of sustainable development.

46 **Provision for People with Disabilities**

Any building to be constructed on the Site pursuant to any Reserved Matters Application and which is subject to the provisions of Section 76(1) of the Town and County Planning Act 1990 shall comply with the principles of the Disability Discrimination Act 1995. Details of the proposed compliance measures shall be submitted to and approved by the relevant Local Planning Authority with the relevant Reserved Matters Application and the development shall be carried out in accordance with the approved details.

Reason: To ensure full accessibility for people with disabilities.

Reasons for Granting

The principle of development of Elstow Storage Depot is in accordance with Policy HO8(4) of the Mid Bedfordshire Local Plan, First Review (2005); and H14 Elstow Storage Depot of Bedford Borough Council Saved Policies Local Plan (2002); and relevant local and national planning policy. In addition it is considered that the applicant has submitted justification for the alteration to the wording of condition 20 and there is no material planning considerations which are sufficiently detrimental to warrant refusal of this application and hence is in accordance with PPS1; PPS3 & PPS4 and Policies DM3, DM7 and CS12 of the Central Bedfordshire Council North Core Strategy and Development Management Policies; and Policy CP20 of the Bedford Borough Council Core Strategy & Rural Issues Plan (2008).

[Note:

1. In advance of the consideration of the application the Committee were advised of a letter objecting to the wording contained in Conditions 18 and 20 respectively for Central Bedfordshire and Bedford Borough as set out in the Late Sheet appended to these Minutes and as amended at the relevant condition.
2. In addition delegated authority be given to the Officers from both Planning Authorities to make minor alterations to finalise the Section 106 and ensure that the conditions were identical for the whole of the site.]

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Bedford Borough Council Conditions

1. SCHEDULE OF CONDITIONS

1.1 Preamble to conditions

1.1.1 Wherever in this Schedule of Conditions the Bedford Borough Council and Central Bedfordshire Council (referred to in this planning permission as the "**local planning authorities**") are given power within a condition to approve a variation to a requirement imposed by that condition, they shall only do so if satisfied that the relevant variation would not have significantly different environmental effects from that which have been assessed by the environmental statement in respect of the Outline Planning Application and otherwise would be permitted by that condition.

1.1.2 Where in these conditions details are required to be submitted they shall be submitted in writing to the local planning authority or local planning authorities within whose boundaries the relevant land, building or structure to which the planning condition relates is located or within whose boundaries the relevant action required or obligated under the condition is to be undertaken (the "**relevant local planning authority**" or the "**relevant local planning authorities**" as the case may be) and where any approval is to be given by the relevant local planning authorities, such approval shall be in writing and wherever possible delegated to the officers of the relevant local planning authority.

1.1.3 Where there is any inconsistency in notation between the Development Framework Plan, Access and Circulation Plan, and Landscape Framework Plan, the Development Framework Plan shall prevail.

1.1.4 In these conditions unless otherwise agreed by the relevant local planning authority, the following terms shall have the meanings given to them for the purposes of interpretation of any of the provisions of this planning permission:

"Advance Planting" means those components of the Strategic Landscaping or other landscaping which are to be planted in advance of adjacent areas of built development, according to a specification and phasing scheme to be agreed with the relevant local planning authority;

"Affordable Housing" means residential accommodation where the rent or price is below those associated with open market housing such that it is accessible to persons in housing need who have an income insufficient to purchase or rent on the open market and who either:

- (a) have a residential or work connection with the Borough of Bedford or Central Bedfordshire District; or
- (b) are Key Workers;

"Approved Drawings" means the approved Development Framework Plan, (GV-OPA-03 rev.B), Access and Circulation Plan, (GV-OPA-04 rev.B) and Landscape Framework Plan, (GV-OPA-05 rev. B);

"Comparison Goods" means clothing, footwear, do-it-yourself and household goods (furniture, pictures, carpets and other floor coverings, major appliances, textiles and soft furnishings, hardware), recreational goods (radio, television, CD and DVD players), sports goods, toys, games and camping equipment, other recreational goods (medical equipment, perfumery, jewellery, silverware, watches, clocks and telephones);

"Convenience Goods" shall mean everyday items including food, drinks, tobacco, newspapers, magazines, books, non-durable household goods and other items which are purchased on a regular basis;

"Development Brief" means the Elstow New Settlement Planning and Development Brief adopted in September 1999;

"Development Parameters" means the development parameters set out in paragraphs 1.28, 1.29, 2.9 and 2.10 of the environmental statement submitted with the Outline Planning Application and the Approved Drawings which together formed the basis of the environmental impact assessment of a built development consisting of buildings and engineering works for a mixed development of residential, employment, retail (A1, A2, A3, A4, A5) leisure and community uses, open space, and associated uses together with supporting infrastructure (roads, paths, cycleways, pumping station, electricity substations), public transport and car parking comprising:

- 4,500 dwellings;
- up to 28,500m² gross floorspace B1 space;
- up to 9,000m² gross floorspace B2 space;
- up to 9,000m² gross floorspace B8 space;
- up to 15,540m² gross floorspace A1 space;
- up to 500m² gross floorspace A2 space;
- up to 500m² gross floorspace A3/A4/A5 space;
- approximately 6000m² gross floorspace community & indoor sports facility;
- approximately 17.2ha of educational facilities;
- approximately 62ha open space, landscape and parkland;

"Employment Area" means the area coloured pink on Plan 3 (Settlement Plan) of the S106 Agreement;

"Floorspace" or **"Floor Area"** shall unless otherwise stated refer to gross internal floor area;

"Green Travel Plan" means a plan setting sustainable transport objectives including measures to promote public transport use, walking and cycling;

"Green Travel Plan floorspace thresholds" means the indicative floorspace threshold for a given land use as follows:

**Use Class Indicative Threshold
(Gross Floor Area – square metres)**

A1	Food retail 1,000 m ²
A1	Non-food retail 1,000 m ²
A2	Financial and professional services 1,000 m ²
A3/A4/A5	Food and Drink 1,000 m ²
B1	Business 2,500 m ²
B2 to B7	Industry 5,000 m ²
C1	Hotels and Hostels and
C2	Residential Institutions 1,000 m ²
D1	Non-residential Institutions (including Hospitals, Higher and Further Education) 2,500 m ²
D2	Assembly and Leisure 1,000 m ² or 1,500 seats for stadia All other users and Sui Generis Each proposal considered on its merits;

"Joint Venture" means Gallagher Estates Limited, JJ Gallagher Limited and RWE NPower PLC or their successors in title;

"Key Workers" shall mean any person employed or qualified to be employed by an organisation providing a key public service to the Borough of Bedford or Central Bedfordshire as defined by the Office of the Deputy Prime Minister or as listed below or any person who comes within other groups agreed by the relevant local planning authority and the Joint Venture and provided they have a housing need and are on a low income insufficient to meet their housing need in the open market either to rent or purchase:

- (i) the National Health Service;
- (ii) the teaching/education/early years services;
- (iii) the social services, carers services and services for the elderly;
- (iv) the fire and civil defence services;
- (v) the police service;
- (vi) the public transport services;
- (vii) all local government services; and
- (viii) the prison service;

"Landscape Buffer Zone" means the land identified coloured green on Plan 8 (Landscape Buffer and Boundary Strips) of the S106 Agreement;

"Landscape Enhancement Area" means the land identified coloured blue on Plan 9 (A6 Access Buffer Strip) of the S106 Agreement;

"Occupation" shall occur when the relevant building within the Site is used for the purpose for which it was built but for the avoidance of doubt shall not include occupation for the purposes of works carried out prior to or during construction, fitting out, decoration, commissioning, advertising, marketing, security, management of the Site or parking relating to those purposes and

"Occupy " and **"Occupied"** shall be construed accordingly;

"Outline Planning Application" means the planning applications (refs. 11/01380/M73 and CB/11/2182/OUT) submitted on behalf of the Joint Venture on 5 July 2011 to Bedford Borough Council and Central Bedfordshire Council respectively;

"Railway Station Quarter" means the part of the Site shown coloured blue on Plan 3 (Settlement Plan) of the S106 Agreement;

"Remediation Permissions" means (i) the planning consent granted by Mid-Bedford shire District Council (Reference 24/01/1862) and Bedford Borough Council (Reference 01/02607/FUL) and (ii) the planning consent granted by Bedford Borough Council (Reference 02/00007/FUL) or any subsequent amendment or new permission for such works;

"Reserved Matters Area" means that part of a Sub-Area in respect of which a Reserved Matters Application is made;

"Reserved Matters Application" means an application for approval of reserved matters except any Strategic Infrastructure Application or Strategic Landscaping Application;

"S106 Agreement" means an agreement made under section 106 of the Town and Country Planning Act 1990 between (*inter alia*) the Councils and the Joint Venture;

"Site" means the land the subject of this planning permission as shown edged red on Plan 1 (Site Plan) of the S106 Agreement;

"Strategic Infrastructure Application" means an application for approval of reserved matters for Strategic Infrastructure Works;

"Strategic Infrastructure Works" means the following:

- (i) Earthworks and earthmoving including site re-contouring, in-filling, creation of development platforms, creation and re-modelling of water bodies, formation of greenways and open spaces and noise bunds;
- (ii) Surface and foul water drainage comprising:
 - creation of main surface water drainage channels;
 - works to Harrowden Brook to provide outfalls for Village 2, Village 3, Village 4, the Town Centre, the Railway Station Quarter and Employment Area;
 - provision of surface water and foul water sewers to provide outfalls where these serve more than one Sub-Area;
 - formation of attenuation ponds;
 - diversion of existing foul sewer across Village 2, Village 3 and Village 4, the Town Centre and the Railway Station Quarter; and
 - upgrade of pumping station in Employment Area to serve Village 2, Village 3 and Village 4, the Town Centre and the Railway Station Quarter;
- (iii) Roads and associated lighting/safety apparatus, drainage, public utilities apparatus and works which extend over more than one Sub-Area or are located outside a Sub-Area;
- (iv) Environmental enhancement to existing A6;
- (v) Strategic footways and cycleways which extend over more than one Sub-Area or are located outside a Sub-Area; and
- (vi) The main highways in Village 1 connecting to the existing A6;

"Strategic Landscaping " means the following:

- (i) greenways;
- (ii) water features;
- (iii) parks and village greens;
- (iv) sport and recreation areas;
- (v) buffers on edge of the Site including the Landscape Buffer Zone;
- (vi) planting in support of Strategic Infrastructure Works;
- (vii) Landscape Enhancement Area, and shall include Advance Planting as appropriate;

"Strategic Landscaping Application" means an application for approval of reserved matters for Strategic Landscaping;

"Strategic Design Guide" means The Wixams Strategic Design Guide (Rev A) dated January 2004 or subsequent revisions agreed between the Joint Venture and the relevant local planning authorities;

"Strategies" means the Strategic Design Guide; the Highways Design Guide; the Landscape Strategy; the Community and Leisure Facilities Strategy; and the Sustainability and Energy Strategy;

"Sub-Area" means each of Village 1; Village 2; Village 3 including the Town Centre; Village 4 including the Railway Station Quarter; and the Employment Area as shown on Plan 3 (Settlement Plan) of the S106 Agreement or as otherwise agreed between the Joint Venture and the relevant local planning authority;

"Sub-Area Detailed Design Brief and Code" means the guidance and design code for each Sub-Area setting out the general layout, the mix of uses and design parameters for that Sub-Area, and providing the framework for each Reserved Matters Application; and

"Town Centre" means the area shown coloured raspberry on Plan 3 (Settlement Plan) of the S106 Agreement or as otherwise agreed between the Joint Venture and the relevant local planning authority;

- 1.1.5 Where these conditions require details to be submitted, these shall be submitted in writing; and
- 1.1.6 Where any agreement, consent or approval is to be given by the relevant local planning authority, such agreement, consent or approval shall be given in writing.

BEDFORD BOROUGH COUNCIL

Conditions

1. The development hereby permitted shall be restricted to the Development Parameters.

REASON: To ensure that the development accords with the Outline Planning Permission.

- 2 No development authorised by this permission shall take place unless in accordance with the Approved Drawings, or any subsequent revisions of the Approved Drawings that have been submitted to and approved by the relevant Local Planning Authority.

REASON: To allow for any rolling forward of the Approved Drawings, in particular the Development Framework Plan, as the basis for reserved matters approvals throughout the life of the development.

- 3 No Reserved Matters Application shall be made after the expiration of 20 (twenty) years from 02/06/2006.

REASON: In accordance with Section 92(2) of the Town and Country Planning Act 1990, to prevent the accumulation of unimplemented permissions.

- 4 Prior to the commencement of each phase of the Strategic Infrastructure Works, the Strategic Infrastructure Application for that phase giving such details and specifications of the relevant works as are appropriate for the determination of the planning application, shall be submitted to and approved by the relevant local planning authority. The Strategic Infrastructure Works shall be constructed and completed in accordance with the approved details and specifications.

REASON: To ensure that the development achieves the objectives set out in the Strategies and the Development Brief.

- 5 Each Strategic Infrastructure Application submitted to the relevant local planning authority shall be made in accordance with the following documents unless otherwise agreed by the relevant local planning authority:

- * the Development Brief;
- * the Approved Drawings; and
- * the Strategies (where relevant)

REASON: In order to achieve a satisfactory form of development in accordance with the Development Brief.

- 6 Prior to the commencement of each phase of the Strategic Landscaping, a Strategic Landscaping Application for that phase giving such details of the relevant parts of the Strategic Landscaping as are appropriate for the determination of the planning application, shall be submitted to and approved by the relevant local planning authority. The Strategic Landscape Works shall be constructed and completed in accordance with the approved details.

REASON: In order to achieve a satisfactory form of development in accordance with the Development Brief (1999) and Landscape Strategy (2005) and in accordance with policies NE4 and NE12 of the Bedford Borough Local Plan (2002) and policies CP22 and CP24 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

- 7 Each Strategic Landscaping Application submitted to the relevant local planning authority shall be made in accordance with the Landscape Strategy unless otherwise agreed by the relevant local planning authorities.

REASON: To ensure that the development achieves the objectives set out in the Landscape Strategy (2005) and in accordance with policies NE4 and NE12 of the Bedford Borough Local Plan (2002) policies CP22 and CP24 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

- 8 All planting, seeding or turfing in each phase of the Strategic Landscaping approved shall be carried out in accordance with an agreed implementation timetable. If during a period of 5 (five) years commencing with the completion of that part of the Strategic Landscaping, any trees or plants die, are removed, or become seriously damaged or diseased, they shall be replaced in the next planting season with others of similar size and species, unless the relevant local planning authority agree otherwise. For the purpose of this condition a planting season shall mean the period from November to February inclusive.

REASON: To enhance the appearance of the proposed development and in accordance with Policies BE30, BE38 and NE4 of the Bedford Borough Local Plan (October 2002) policies CP22 and CP24 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

- 9 Unless otherwise agreed, no Reserved Matters Application shall be submitted for development on any Sub-Area (except any Strategic Infrastructure Works or Strategic Landscaping), until and unless a Sub-Area Detailed Design Brief and Code for that Sub-Area has been generated in consultation with the local planning authorities and has been submitted to and approved by the local planning authorities.
REASON: To ensure that the development achieves the objectives set out in the Strategies and the Development Brief.

- 10 Each Sub-Area Detailed Design Brief and Code submitted to the local planning authorities shall be produced in accordance with the following documents unless otherwise agreed by the local planning authorities:
- * the Development Brief;
 - * the Approved Drawings; and
 - * the Strategies.

REASON: In order to achieve a satisfactory form of development in accordance with the Development Brief.

- 11 Each Sub-Area Detailed Design Brief and Code submitted to the local planning authorities for approval shall consist of guidance and coding relating to the following matters for that Sub-Area unless otherwise agreed by the local planning authorities:
- 11.1 Guidance and coding on the location and distributions of the different land uses;

- 11.2 Guidance and coding on residential densities;
- 11.3 Guidance and coding on parcelisation and phasing, including the phased provision of key community facilities in accordance with the Community and Leisure Facilities Strategy;
- 11.4 Guidance and coding on building form, scale and design, including heights, bulk, massing, materials and detailing, colour palette and boundary treatments; and the identification of key building groups, frontages, landmarks and corner buildings, and important spaces around those buildings;
- 11.5 Affordable Housing: the location and distribution of affordable housing parcels;
- 11.6 Movement Strategy to include:
 - (i) highways and access: A plan showing proposed roads, footpaths and cycleways within the Sub-Area;
 - (ii) surface finishes and street furniture: Guidance and coding giving details of typical surface finishes and of street furniture for roads, footpaths, cycle-ways and car parking areas relating to that Sub-Area;
 - (iii) car parking strategy, including principles of public/private split and management and maintenance of private car parking; and
 - (iv) guidance and coding on speed restraint measures;
- 11.7 Guidance and coding on the design and distribution of landscape and open space in accordance with the Landscape Strategy, including identification of the public realm, provision of public squares, incidental green open spaces within villages and Super Local Areas of Play;
- 11.8 Guidance and coding on the incorporation and promotion of sustainability and renewable energy initiatives in accordance with the Sustainability and Energy Strategy and such strategy will include guidance as to the achievement of:
 - (i) Energy efficient layouts;
 - (ii) Energy efficient building design;
 - (iii) Renewable energy generation including the safeguarding on residential buildings with a southerly aspect the option of providing in the future for energy generation by the use of solar panels or photo voltaic cells;
 - (iv) Water use minimisation and recycling; and
 - (v) Provision for waste recycling;

- 11.9 Community Safety: A statement confirming that community safety details accord with national and local guidance relating to community safety;
- 11.10 Guidance and coding on the incorporation of public art;
- 11.11 Public Transport: Guidance and coding on public transport routes, facilities and interchanges, including proposed bus stops and super-stops in accordance with the principles of the Steer Davis Gleeve "Report on Proposed Bus Services" (January 2000, updated 2003);
- 11.12 Lighting: A strategy for lighting of roads, footpaths, cycle routes, play areas, open spaces and all other areas accessible to the public including guidance on the height of the lighting columns and the types, colour and brightness of proposed lights, and measures to limit light pollution from development within the Sub-Area;
- 11.13 Disabled Access: Confirmation that 10% of the total number of residential units to be constructed shall be in accordance with the Mobility Standards set out in the Bedford Borough Council's approved document "Mobility Housing";
- 11.14 Public Utilities: Strategy to consult with statutory undertakers in respect of the location and appearance of statutory undertakers' plant, compounds etc. to seek to ensure that they accord with the Strategic Design Guide; and
- 11.15 CCTV: criteria for cameras and associated infrastructure and the guiding principles for selecting their location.

REASON: To ensure that the development achieves the objectives set out in the Development Brief and Strategies.

- 12 The Sub-Area Detailed Design Briefs and Codes shall, where appropriate, include provision to safeguard the proposed access(es) to the expansion areas, as identified in the Development Brief, from the Site in a form that is adequate to accommodate public transport and vehicles for the future development of the expansion areas. Provision shall also be included to safeguard footpath and cycleway linkages.

REASON: To ensure the comprehensive development of the Elstow New Site Development Brief Area as identified on the Figure 2 of the Development Brief (1999).

- 13 No development (except any Strategic Infrastructure Works or Strategic Landscaping) shall take place in a Sub-Area other than in accordance with the approved Sub-Area Detailed Design Brief and Code, unless otherwise agreed by the relevant local planning authority.

REASON: To ensure that the development achieves the objectives set out in the Development Brief and Strategies.

- 14 Each Reserved Matters Application shall accord with the adopted or approved Strategies (where relevant) and with the relevant Sub-Area Detailed Design Brief and Code, unless otherwise agreed by the relevant local planning authority.

REASON: To ensure Reserved Matters Applications are in accordance with the Development Brief, Strategies and relevant Sub-Area Detailed Design Brief and Code.

- 15 Prior to the commencement of development on any Reserved Matters Area (except any Strategic Infrastructure Works or Strategic Landscaping), details of the following matters where relevant and relating to that Reserved Matters Area (except any Strategic Infrastructure Works or Strategic Landscaping) shall be submitted for approval by the relevant local planning authority:

- 15.1 Density of development and plot ratios;
- 15.2 Siting and Design of Buildings: Details of the siting, design and external appearance (including all external facing and roofing materials) of all buildings;
- 15.3 Highways and access: Temporary and permanent highways, means of access and surfacing;
- 15.4 Affordable Housing: details of the Affordable Housing (if applicable) in accordance with the scheme incorporated within the Sub-Area Detailed Design Brief and Code;
- 15.5 Landscaping: A detailed landscape scheme(s) for areas (except public realm) to be landscaped, including play and recreation areas and including the identification of mechanisms for the long-term maintenance and management of the landscaped areas in that Reserved Matters Area;
- 15.6 Energy efficiency and renewable energy generation: Details of the energy efficiency measures to be incorporated into layouts and buildings, and renewable energy technologies to be incorporated (if applicable);

- 15.7 Noise: Design, layout and noise insulation measures, where appropriate to mitigate against transport noise from external sources as identified within the relevant Sub-Area Detailed Design Brief and Code and in accordance with any approved mitigation schemes submitted under Condition 39. The measures are to be tested by the developer to the satisfaction of the relevant local planning authority in the relevant Reserved Matters Area.;
- 15.8 Light Pollution: Measures to minimise potential light pollution from the Reserved Matters Area;
- 15.9 Public Art: The provision of public art;
- 15.10 Surface Water & Foul Sewage: The provision of surface water drainage and the disposal of foul sewage including the outfall points and their connection to the Site's main surface water drainage and disposal of foul sewage network;
- 15.11 Details of boundary enclosures;
- 15.12 Refuse: Details of refuse disposal (including storage and composting) to be incorporated into the development in that Reserved Matters Area in order to meet requirements current at that point in time;
- 15.13 Water Conservation: water conservation measures (including recycling) to be incorporated into the development;
- 15.14 Car parking: Car parking (if any), including the approximate number of spaces, their location, public/private split (if applicable) public car parking pricing strategy (if applicable) and measures to reduce its visual impact;
- 15.15 Cycle Storage: Provision for appropriate cycle storage in any commercial areas;
- 15.16 Cycleways and footpaths: Details of cycleways and footpaths within the Reserved Matters Area and linkages from that Reserved Matters Area into existing public rights of way (footpaths, bridleways and by-ways), highways and proposed public rights of way and cycleways adjoining areas;
- 15.17 Speed Restraint: Proposed design measures for speed restraint on access roads and within residential areas;
- 15.18 Levels: existing and proposed ground and floor levels;

15.19 Details of bus stops and shelters: Bus stops to be designed to accommodate low-floor buses and to incorporate an appropriate length of docking kerbing (such as Kassel Kerb) for disabled access and with drop-kerb facilities to be provided next to and opposite the stop; and

15.20 CCTV: Where relevant the location of cameras and associated infrastructure.

REASON: To provide sufficient information to enable consideration of Reserved Matters Applications and in accordance with Bedford Borough Local Plan policies BE30, BE42, BE44, LR17, U2 and T15 and in accordance with policies CP21, CP22, CP24 and CP26 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

16 Each Reserved Matters Application shall be accompanied by a written design statement which (unless otherwise agreed with the relevant local planning authority) shall demonstrate how the application takes account of the design principles contained within the relevant Sub-Area Detailed Design Brief and Code.

REASON: To ensure that the development is in accordance with the Strategic Design Guidance and in accordance with Bedford Borough Local Plan 2002 policy BE29 policy CP21 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

17 No development (except any Strategic Infrastructure Works or Strategic Landscaping) shall take place in a Sub-Area other than in accordance with the approved Reserved Matters Application, unless otherwise agreed by the relevant local planning authority.

REASON: To ensure that the development is in accordance with the Development Brief, Strategies and Sub-Area Detailed Design Brief and Code.

18 Retail provision in the development shall be subject to the following, unless prior consent has been given by the relevant local planning authority:

- (i) The total net retail sales floor area of the foodstore hereby permitted shall not exceed 5,500 sqm provided that no more than 4,000 sqm of net retail sales area is to comprise convenience goods floorspace and provided that no more than 2500 sq m of the net retail sales area is to comprise comparison goods floorspace;
- (ii) Retail warehousing shall be limited to sales of DIY and bulky goods (excluding bulky household electrical appliances) (Class A1) and shall not exceed 3,000m² net floorspace, including any mezzanine floorspace;

- (iii) Subject to justification in the tenant relocation strategy or as otherwise agreed with the relevant local planning authorities up to an additional 3000m² of net retail sales floor space shall be provided to be occupied by relocating tenants;
- (iv) Retail floorspace shall principally be located in the Town Centre and Village centres, and/or the Railway Station Quarter unless otherwise agreed by the relevant local planning authorities. Any retail provision within the Employment Area shall be ancillary to the prime employment uses; and
- (v) The total gross retail floorspace hereby permitted shall not exceed 15,540m² (Class A1), 500m² (Class A2) and 500m² (Class A3/A4/A5).

REASON: To ensure that adequate retail facilities are provided for the occupants of the development in accordance with the Development Brief and the Development Parameters to protect the retail facilities in surrounding areas and to reinforce the sustainability of the settlement.

- 19 No commercial property trading as a retail unit falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 or an equivalent class in any subsequent revision or re-enactment ("Class A1") shall be used for purposes other than those falling within Class A1 unless it can be demonstrated that the marketing of the property in accordance with the agreed marketing strategy for the Sub-Area has not identified a suitable alternative occupier.

REASON: To ensure that an adequate level of retail provision is provided within the development.

- 20 No single B8 unit shall exceed 4,500 m² net floorspace including any mezzanine floorspace and there shall be no internal or external alterations to enable adjoining units to be amalgamated for Class B8 use.

REASON: To ensure that distribution uses do not dominate the Employment Area and to provide a range of employment businesses and to protect the amenity of the surrounding area and to achieve the objectives of sustainable development and in accordance with policy E10 of the Bedford Borough Local Plan 2002 policy CP11 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

- 21 B2 development shall be located within the Employment Area or Railway Station Quarter only, and located and designed so that it does not impact on the amenity of B1 or other uses, in accordance with the Employment Area Sub-Area Detailed Design Brief and Code.

REASON: To ensure that B2 uses do not impact on the amenity of B1 or other uses and in accordance with policy E10 of the Bedford Borough Local Plan 2002 policy CP11 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

- 22 The provisions of Part 3, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), shall not apply and the development hereby permitted within Use Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 shall be limited to the floorspace applied for within each of those Use Classes.

REASON: To enable the relevant local planning authorities to exercise control over future use of the building/s and in accordance with Policy BE30 of the Bedford Borough Local Plan (October 2002) and to achieve the objectives of sustainable development and in accordance with policy E10 of the Bedford Borough Local Plan 2002 policy CP11 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

- 23 All residential buildings in any Sub-Area shall be designed to meet the "very good" standard in the Ecohomes assessment, and shall be accredited on a housing standard basis by an approved BRE-licensed assessor prior to occupation.

REASON: To satisfy requirements for sustainable development contained in the Development Brief (1999) policy CP26 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

- 24 All commercial buildings in any Sub-Area shall be designed to meet the "very good" standard in the BREAAAM assessment, and shall be accredited by an approved BRE-licensed assessor prior to occupation.

REASON: To satisfy requirements for sustainable development contained in the Development Brief policy CP26 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

- 25 No dwelling shall be Occupied until:

25.1 a pedestrian/cycleway route alongside the existing A6 from the Northern access roundabout to the A421(T) roundabout is constructed and available for use in accordance with details to be agreed with the relevant local planning authority; and

25.2 the Southern grade separated pedestrian underpass has been completed providing pedestrian and cycle access to Wilstead.

REASON: In the interest of highway safety and in accordance with the requirements of policies T13 and T14 of the Bedford Borough Local Plan 2002 policy CP29 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

- 26 No more than 50 dwellings shall be Occupied until the diverted A6 as detailed within Bedford Borough Council planning permission 99/01644/FUL, or any subsequent agreed amendment or successor, has been constructed and opened for traffic.

REASON: In the interest of highway safety.

- 27 Prior to the Occupation of any dwelling within Village 4 accessible from the B530, a new roundabout junction as illustrated on the Access and Circulation Plan, (GV-OPA-04 rev.B) or as otherwise agreed with the relevant local authority shall be constructed in accordance with details submitted to and approved by the relevant local planning authorities.

REASON: In the interest of highway safety.

28 Code of Construction Practice Part A

No development shall commence other than in accordance with the Site-wide Code of Construction Practice Part A as submitted to and approved by Bedford Borough Council under application 06/01958/AOC. The Site-wide Code of Construction Practice Part A shall provide a control framework that all third-party developers, contractors and sub-contractors will employ and shall include systems to be established and measures to be taken:

- (i) to protect the water and land environment and air quality;
- (ii) to protect the general public;
- (iii) to meet health and safety requirements;
- (iv) to control on-site working conditions;
- (v) in relation to site fencing / site security measures;
- (vi) to minimise the impact of noise on dwellings (including residential care establishments), offices, schools, health facilities or any other premises likely to be adversely affected by construction and demolition activities in respect of that area;
- (vii) to demonstrate compliance with the relevant legislation, guidelines and practice notes relating to contaminated land;
- (viii) to provide details of traffic routes and points of access/egress to be used by construction vehicles and carting lorries;
- (ix) to set points of liaison for site monitoring;
- (x) to suppress dust (including the provision of a monitoring scheme near to sensitive properties);
- (xi) to restabilise disturbed land;
- (xii) to deal with unexpected contamination;

- (xiii) to deal with the storage of soil, including separation methods, and the isolation and redistribution of unconstrained top soil;
- (xiv) in respect of the siting and appearance of works compounds;
- (xv) to ensure through the use of wheel cleaning facilities and street cleansing that the public highway is kept free from dirt and debris generated by the development;
- (xvi) In respect of directional and other such signage; and
- (xvii) to ensure the protection of or mitigation of impacts upon ecological resources.

REASON: To ensure that the works implemented will be in accordance with the relevant regulations and preserve local amenity.

29 Code of Construction Practice Part B

All development within a Reserved Matters Area (excluding Strategic Infrastructure or Strategic Landscaping) or area of Strategic Infrastructure or Strategic Landscaping, shall be carried out in accordance with the Code of Construction Practice Part B for that area as submitted to and approved by Bedford Borough Council under application reference 06/01957/AOC. Each Code of Construction Practice Part B shall:-

- (i) accord with the measures contained in the Code of Construction Practice Part A, unless otherwise agreed with the relevant local planning authorities;
- (ii) shall provide details of the construction sites and works in relation to that area; and
- (iii) shall include detailed measures to be taken;
 - (a) in relation to site fencing / site security measures;
 - (b) to provide details of traffic routes and points of access/egress to be used by construction vehicles and carting lorries;
 - (c) to set points of liaison for site monitoring;
 - (d) to minimise the impact of noise on dwellings (including residential care establishments), offices, schools, health facilities or any other premises likely to be adversely affected by construction and demolition activities in respect of that area, such measures being based on quantified existing background noise levels and predicted noise levels, and addressing internal/external noise levels at those premises;
 - (e) to suppress dust (including the provision of a monitoring scheme near to sensitive properties);
 - (f) in respect of the siting and appearance of works compounds;
 - (g) to ensure through the use of wheel cleaning facilities and street cleansing that the public highway is kept free from dirt and debris generated by the development;

- (h) to control pumped discharge into the sewer system or any watercourses arising in respect of construction;
- (i) in respect of directional and other such signage; and
- (j) to ensure the protection of or mitigation of impacts upon ecological resources and where relevant to carry out and pay due regard to a walkover resurvey for the presence of any protected species (Great Crested Newts, reptiles, bats, badgers and owls) within two weeks of the commencement of works on site.

REASON: To ensure that the works implemented will be in accordance with the relevant regulations and preserve local amenity and in accordance with Policy BE30 of the Bedford Borough Local Plan (October 2002)

- 30 All development shall be carried out in accordance with the Code of Construction Practice Parts A and B as such Codes shall be updated from time to time with the agreement of the relevant local planning authority.

REASON: To ensure that the works implemented will be in accordance with the relevant regulations, planning policies and to preserve local amenity.

- 31 Works of construction or demolition, including the use of plant, vehicles and machinery necessary for implementation of this consent shall only take place (other than as specifically approved in writing by the relevant local planning authorities prior to any works being undertaken) between 08:00 hours and 18:00 on Monday to Friday inclusive; 08:00 hours to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the adjoining occupiers and in accordance with Policy BE30 of the Bedford Borough Local Plan (October 2002).

- 32 No dwelling or other building constructed as part of the approved development shall be Occupied in any Reserved Matters Area until the means of foul and surface water disposal, including drainage outfalls as appropriate, for that Reserved Matters Area have been provided in accordance with the approved scheme for that Reserved Matters Area.

REASON: To ensure the satisfactory drainage of the Site in accordance with Policies U2 and U3 of the Bedford Borough Local Plan (October 2002).

33 Any facilities located above ground for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls to contain 110% by volume of the stored substance or otherwise constructed to the satisfaction of the relevant local planning authority (in consultation with the Environment Agency).
REASON: To prevent any further pollution occurring as a result of the works.

34 Access arrangements for the Internal Drainage Board's equipment and heavy plant for the purposes of improvement and maintenance during the works in a particular phase shall be carried out in accordance with application reference 07/00177/AOC as submitted to and approved by Bedford Borough Council.

REASON: To prevent any flooding occurring as a result of the works and in accordance with policy CP26 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

35 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hard-standings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

REASON: To prevent pollution and in accordance with saved Policies BE30 and U2 of the Bedford Borough Local Plan (October 2002) policies CP21 and CP26 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

36 The works permitted by the Remediation Permissions within:

36.1 that part of Village 1 to the West of the existing A6 shall be completed before any development (except Strategic Infrastructure Works or Strategic Landscaping) associated with that part of Village 1 to the West of the A6 is commenced, unless agreed by the relevant local planning authority;

36.2 Village 2 shall be completed before any development (except Strategic Infrastructure Works or Strategic Landscaping) within Village 2 is commenced, unless agreed by the relevant local planning authority;

36.3 Village 3 shall be completed before any development (except Strategic Infrastructure Works or Strategic Landscaping) within Village 3 is commenced, unless agreed by the relevant local planning authority;

36.4 Village 4 shall be completed before any development (except Strategic Infrastructure Works or Strategic Landscaping) within Village 4 is commenced, unless agreed by the relevant local

- planning authority;
- 36.5 that part of the Employment Area to the West of the existing A6 shall be completed before any development (except Strategic Infrastructure Works or Strategic Landscaping) within that part of the Employment Area to the West of the existing A6 is commenced, unless agreed by the relevant local planning authority;
- 36.6 that part of the Site on which any particular Strategic Infrastructure Works or Strategic Landscaping are to be carried out, shall be completed before those Strategic Infrastructure Works or Strategic Landscaping are commenced, unless agreed by the relevant local planning authority;

On completion of the remediation within that part of Village 1 to the West of the A6, the relevant Village, that part of the Employment Area to the West of the existing A6, the relevant part of the Site in respect of Strategic Infrastructure Works or Strategic Landscaping, the Joint Venture shall provide written confirmation that all works in such area have been completed in accordance with the agreed remediation scheme and the land is deemed to be suitable for its intended use.

REASON: To ensure the effective remediation of known land contamination and in accordance with Policy BE30 of the Bedford Borough Local Plan (October 2002).

- 37 Details of the hours of operation, delivery of goods and external sound amplification for employment and retail businesses shall be submitted to and agreed by the relevant local planning authority prior to the Occupation of the particular premises. The use of the particular premises shall be in accordance with the approved details.

REASON: To safeguard the amenities of the adjoining occupiers.

- 38 All plant, machinery and equipment installed or operated in connection with buildings permitted by this permission shall be enclosed or attenuated so that the rating level of the noise emitted from its location does not exceed the existing background noise level at any noise sensitive receptor. All noise levels to be measured in accordance with BS4142: 1997.

REASON: To safeguard the amenities of the adjoining occupiers.

- 39 No development shall take place of a Reserved Matters Application for any residential dwelling in Village 4 (unless otherwise agreed with the relevant local planning authorities) a scheme to mitigate the impact of transport noise sources (as identified in the Elstow Garden Villages Environmental Statement November 1999) upon residential and general amenity within that Village shall be submitted to and approved by the relevant local planning authorities. The scheme shall quantify existing background and ambient noise levels and include predicted

noise levels, and will address internal/external noise levels as follows:

- (i) the Daytime External Noise level within residential gardens should not exceed 57 dBA [55dBA + 2dBA tolerance] measured at between 1.2m -1.5m above site level (unless otherwise agreed by the relevant local planning authority) and on the basis of the approach set out in the "The Wixams Noise Attenuation Protocol: May 2006";
- (ii) the Night Time Internal Noise level (at above ground floor level) within habitable rooms of residential properties should not exceed 35dBA when adequate ventilation is provided;
- (iii) the Village 1 Lower School and its grounds shall conform to the latest Building Control regulations and be designed to perform to the acoustic standards set out in Department for Education and Skills (DfES) Building Bulletin 93.

No development shall be carried out otherwise than in accordance with the approved scheme(s);

REASON: To safeguard the amenities of the adjoining occupiers in accordance with policy BE30 of the Bedford Borough Local Plan 2002.

- 40 Prior to the commencement of development, a plan showing general ground levels, existing and proposed, for the Site, excluding specific plot levels, shall be submitted to and approved by the relevant local planning authority.

REASON: To safeguard the appearance of the development.

- 41 No development shall be commenced in any Sub-Area or area covered by a Strategic Infrastructure Application or a Strategic Landscaping Application until the surveys of the following species in that particular Sub-Area or area have been updated within the previous 24 months by an ecological consultant appointed by the Joint Venture:

- (i) Great Crested Newts;
- (ii) Reptiles (including adders, common lizards and slow worms);
- (iii) Bats;
- (iv) Badgers; and
- (v) Owls,

and schemes detailing the measures necessary to either relocate the above species found in that particular Sub-Area or area or to mitigate the impact of the development on such species have been approved by the relevant local planning authority. Any relevant works shall be undertaken in accordance with the approved scheme.

REASON: In order to update the existing environmental information and ensure that protected species are resurveyed, identified and mitigation measures put in place prior to the commencement of development to protect any such species in accordance with the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats & c.) Regulations 1994 and the Protection of Badgers Act 1992 and in accordance with policy policy CP25 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

- 42 During the breeding season prior to the proposed commencement of development in any Sub-Area or area covered by a Strategic Infrastructure Application or a Strategic Landscaping Application, an open ground bird nesting survey shall be undertaken in that particular Sub-Area or area by an ecological consultant to be appointed by the Joint Venture. No vegetation, including trees or hedges, shall be cleared from the particular Sub-Area or area during the nesting season of March to August inclusive, except where the Joint Venture can demonstrate that breeding birds are not present, without the prior approval of the relevant local planning authority.

REASON: To protect any nesting birds and in accordance with policy policy CP25 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008

- 43 Prior to commencement of development of any Sub-Area (excluding Strategic Infrastructure or Strategic Landscaping) or area of Strategic Infrastructure or Strategic Landscaping, a strategy to protect existing trees and hedges, to be retained on that part of the Site, shall be submitted to and approved by the relevant local planning authorities. This strategy shall include plans to identify where appropriate the trees and hedgerows to be protected and the measures to be employed. The approved strategy shall be implemented during any development on that part of the Site.

REASON: To ensure that the existing trees and hedges are retained where possible and are not damaged during the period of construction and in accordance with Policies NE4 and NE6 of the Bedford Borough Local Plan (October 2002) policies CP22 and CP24 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

- 44 All planting, seeding or turfing in each Reserved Matters Area comprised in the approved details of landscape works shall be carried out in accordance with an agreed implementation timetable. If during a period of 5 (five) years, commencing with the completion of the development in that Reserved Matters Area, any trees or plants die, are removed, or become seriously damaged or diseased, they shall be replaced in the next planting season with others of similar size and species, unless the relevant local planning authority agree otherwise. For the purpose of this condition, a planting season shall mean the

period from November to February inclusive.

REASON: To enhance the appearance of the proposed development and in accordance with Policies BE30, BE38, NE4 and NE6 of the Bedford Borough Local Plan (October 2002) policies CP22 and CP24 of the Bedford Borough Council Core Strategy and Rural Issues Plan 2008.

- 45 Before any work (except Strategic Infrastructure Works or Strategic Landscaping) commences on any games area or area of play open to the public in each Reserved Matters Area, a scheme indicating the provision of recreational facilities, including play equipment, safety surfacing, dog-proof fencing and playing fields in that Reserved Matters Area shall be submitted to and approved by the relevant local planning authority. The scheme shall include details of the method of construction of any playing fields to include ground modelling, topsoil storage, drainage, layout, formation, levels and seeding mix. All development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory standard of development and in accordance with Policies LR15 and LR16 of the Bedford Borough Local Plan (October 2002).

- 46 Prior to the commencement of development within a Reserved Matters Area and before the demolition of any historic buildings and structures, including the WW2 munitions factory, the Joint Venture will undertake a survey and recording of such buildings and structures on the Site. Such survey is to be carried out by an organisation with relevant expertise and in accordance with a scheme of investigation to be submitted to and approved by the relevant local planning authority. Copies of the survey shall be made available to the relevant local planning authority upon request.

REASON: To record the historic character of the buildings for the county historic environment record and to safeguard any material of archaeological interest, which exists on the Site in accordance with the provisions of Policies BE23 and 25 of the Bedford Borough Local Plan 2002.

- 47 No development shall take place within the areas identified for potential archaeological importance in Appendix 8a of the Environmental Statement until the Joint Venture has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the relevant local planning authorities.

REASON: To record the historic character of the Site and its oral history for the county historic environment record and to safeguard any material of archaeological interest, which exists on the Site in accordance with the provisions of Policies BE23 and BE25 of the Bedford Borough Local Plan 2002.

- 48 No proposed industrial, commercial, retail or educational development that exceeds the relevant Green Travel Plan floorspace threshold shall be Occupied until details of a Green Travel Plan for that particular development, to encourage alternative modes of transport to and from that particular development, have been submitted by the relevant developer to the relevant local planning authorities for approval, unless otherwise agreed with the relevant local planning authority. The development and business/land use shall be carried out in accordance with the approved Green Travel Plan relevant for that premises.

REASON: In the interest of sustainable development.

- 49 Any building to be constructed on the Site pursuant to any Reserved Matters Application and which is subject to the provisions of Section 76(1) of the Town and County Planning Act 1990 shall comply with the principles of the Disability Discrimination Act 1995. Details of the proposed compliance measures shall be submitted to and approved by the relevant Local Planning Authority with the relevant Reserved Matters Application and the development shall be carried out in accordance with the approved details.

REASON: To ensure full accessibility for people with disabilities.

IMPORTANT PLEASE NOTE THE FOLLOWING ADVICE :-

This permission relates only to that required under the Town and 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.

- 1 Reserved Matters

The submissions of reserved matters under condition 17 shall not prevent the submission and approval of Strategic Infrastructure Works and Strategic Landscaping under conditions 6 and 8.

- 2 Highways

The applicant is advised that photographs of the existing highway immediately adjacent to that used for access/egress and delivery of materials to the site will be required by the Local Highway Authority prior to the commencement of the construction works. Any subsequent damage to the public highway resulting primarily from the

works, as shown by the photographs, including damage caused by delivery vehicles to the construction works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

3 Contaminated Land

In connection with the above development, the applicant's attention is drawn to the guidance produced by the Health and Safety Executive on contaminated land "Protection of Workers and the General Public During the Development of Contaminated Land" which can be obtained from HSE Books (Tel: 01787 881165).

The developer, all contractors, sub-contractors, consultants engaged in any form of engineering or construction work within the Site should apply the principles of the Construction Industry Board's "Considerate Constructor Scheme", and consider the merits of formally registering the Site with the Board. Main contractors should be encouraged to enter into discussion with the relevant local planning authorities to develop a method statement to ensure that matters such as noise and dust from the construction process do not become a nuisance to occupiers as the development proceeds. Consideration should be given to prior approval in respect of construction site noise levels (section 61 Control of Pollution Act 1974) in respect of each phase of the works.

4 Secured By Design

In connection with the above development, the applicant is advised that full details of the specifications for "Secured by Design" can be obtained from the Bedfordshire Police Architectural Liaison Officer, at Bedfordshire Police Headquarters, Woburn Road, Kempston, Bedford MK43 9AX.

5 Street Naming and Numbering

The applicant is advised that early contact with the Mid-Bedfordshire District Council and Bedford Borough Council is recommended concerning the naming and numbering of property within the development.

6 Disabled Access

In connection with the above development, the applicant's attention is drawn to the requirements of Approved Document M of the Building Regulations 1991 - (Access and Facilities for Disabled People) and The Disability Discrimination Act 1995. Advice can be obtained from the relevant Council's Access Officer.

[Note:

1. In advance of the consideration of the application the Committee were advised of a letter objecting to the wording contained in Conditions 18 and 20 respectively for Central Bedfordshire and Bedford Borough as set out in the Late Sheet appended to these Minutes and as amended at the relevant condition.
2. In addition delegated authority be given to the Officers from both Planning Authorities to ensure that the conditions were identical for the whole of the site.]