

Central Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ

**This meeting
may be filmed.***



**Central
Bedfordshire**

please ask for Leslie Manning

direct line 0300 300 5132

date 23 July 2018

NOTICE OF MEETING

WIXAMS JOINT DEVELOPMENT CONTROL COMMITTEE

Date & Time

Tuesday, 31 July 2018 6.30 p.m.

Venue at

Room 14, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the WIXAMS JOINT DEVELOPMENT CONTROL COMMITTEE:

Central Bedfordshire Councillors: Mrs A Barker, M C Blair, P Downing, P A Duckett, K C Matthews and A M Turner

Bedford Borough Councillors: G Coombes, T Hill, S-J Holland, S Hunt, M Masud and M Smith

All other Members of the Councils - on request

MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS MEETING

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AGENDA

1. **Apologies for Absence**

To receive apologies for absence and notification of substitute Members.

2. **Chairman's Announcements and Communications**

To receive any announcements from the Chairman and any matters of communication.

3. **Minutes**

To approve as a correct record the minutes of the meeting of the Wixams Joint Development Control Committee held on 6 November 2017.

4. **Members' Interests**

To receive from Members any declarations of interest, including membership of any Parish/Town Council consulted upon during the planning application process and the way in which a Member cast his/her vote.

Report

Item Subject

5. **Revision to the Triggers for Certain Obligations Contained in the Wixams Section 106 Agreement**

To consider a report setting out proposed amendments to change the Heads of Terms of the joint Wixams S106 legal agreement.

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6 November 2017

AT A MEETING

of the

WIXAMS JOINT DEVELOPMENT CONTROL COMMITTEE

held in the Frank Branston Room, Borough Hall, Bedford on the 6th day of November 2017 at 6.30 pm

PRESENT:

Bedford Borough Council

Councillor Coombes (Chair)

Councillors Holland, W Hunt, S Hunt, Oliver (substitute for Councillor Masud), Smith and Wheeler

Central Bedfordshire Council

Councillors Downing, Duckett, Firth (substitute for Councillor Barker), Matthews and Morris (substitute for Councillor Clark)

Apologies for absence were received from Councillors Hill, Masud and McMurdo (Bedford Borough Council), Barker, Blair, Chapman, Clark, Jamieson and Turner (Central Bedfordshire Council)

Apologies for lateness were received from Councillors Firth & Matthews

6 November 2017

1. QUESTIONS FROM MEMBERS OF THE CONSTITUENT COUNCILS AND MEMBERS OF THE PUBLIC

There were no questions from members of the Constituent Councils or members of the public.

2. MINUTES

RESOLVED:

That the Minutes of the meeting of the Committee held on 21 September 2017 be confirmed.

3. DISCLOSURES OF LOCAL AND/OR DISCLOSABLE PECUNIARY INTERESTS

Item and Minute Number	Member Disclosing an Interest	Nature of Interest	Present or Absent During Discussion of Item
Item 2 Minute No. 5	Councillor Holland	Local – her partner works for Network Rail	Present
Item 2 Minute No. 5	Councillor S Hunt	Local – her son-in-law works as a train driver	Present
Item 2 Minute No. 5	Councillor Smith	Local – he works for Govia Thameslink Railway	Present

4. RESERVED MATTERS FOLLOWING OUTLINE APPROVAL OF PLANNING APPLICATION MB/99/01694/OUT (CBC) AND 99/01695/OUT (BBC). THE RESERVED MATTERS ARE FOR APPROVAL OF ACCESS, APPEARANCE, LAYOUT, LANDSCAPING AND SCALE OF 187 DWELLINGS, ASSOCIATED HIGHWAYS AND ANCILLARY WORKS, VILLAGE 4, WIXAMS (LAND OFF AMPHILL ROAD, HOUGHTON CONQUEST) (16/02595/MAR (BBC) AND CB/16/04143/RM (CBC))

The Manager for Development Management, Bedford Borough Council, and the Assistant Director – Development Infrastructure, Central Bedfordshire Council, jointly reported on the proposed development of one of the first parcels within Village 4 and formed the

6 November 2017

western edge gateway off the B530 (Bedford Road). The application sought reserved matters approval for access, layout, landscaping and scale for 187 dwellings for parcel 4.2 of Village 4.

The Committee noted that Bedford Borough Council's Highways (Development Control) Officer had no objection to the revised plans subject to conditions relating to cycle parking (included within the report), further road details and provision of parking spaces prior to occupation. The amended plans addressed the Officer's concerns in terms of the specification of the private drives, vehicular turning, car parking provision and bus stops.

The Housing Development and Policy Officer had no objection to the revised affordable housing scheme shown on Plan B026/P/AH01 Rev D.

The Waste Services Officer had advised that Bedford Borough Council's bin crews would not enter a private driveway/road and Plots 40 to 42 and 14 to 15 would be required to pull their bins out to the bin collection points shown.

Central Bedfordshire Council's Highways Officer considered the revised scheme to be acceptable in highway terms subject to conditions attached to any permission granted regarding lockable bollards, highway layout, retention of garage accommodation, refuse collection points, cycle parking and driveway vision splays.

The Housing Development Officer welcomed the introduction of the additional unit of affordable rent which took the total number of affordable units to 47. This represented a compliant scheme in terms of the current Section 106 requirements with provision of 25% affordable housing.

RESOLVED:

That, subject to the following additional Conditions and Informative as recommended by the Manager for Development Management, Bedford Borough Council, to the deletion of suggested Condition No. 4 and to the following additional Conditions and Informatives as recommended by the Assistant Director – Development Infrastructure, Central Bedfordshire Council, permission be granted in respect of the above application in accordance with the recommendation of the Manager for Development Management, Bedford Borough Council, and the Assistant Director – Development Infrastructure, Central Bedfordshire Council.

6 November 2017

Bedford Borough Council Conditions

Condition No. 5

No development in relation to roads, junctions, footpaths and cycleways shall take place until the detailed plans and sections of any proposed roads, footpaths and cycleways and any junctions with the existing highway, including gradients and method of surface water disposal, have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until the section of road which provides access to that building, together with any footpaths and cycleways, have been constructed in accordance with the approved details.

Reason for Condition:

To ensure that the proposed roadworks are built to an adequate standard in accordance with saved Policy BE30 iv), v) and vi) of the adopted Bedford Borough Local Plan 2002.

Condition No. 6

No building shall be occupied until the vehicle parking spaces have been properly surfaced and marked out in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

Reason for Condition:

To ensure that there is adequate parking within the site in accordance with saved Policy BE30 iv), v) and vi) of the adopted Bedford Borough Local Plan 2002.

Important – please note the following information:

The applicant is advised that if it is the intention to request the Bedford Borough Council, as Local Highway Authority, to adopt the proposed highways as maintainable at public expense, then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations, shall be submitted to the Senior Highways Agreements Officer, Engineering Services, Bedford Borough Council, Borough Hall, Bedford,

6 November 2017

MK42 9AP (Tel. 01234 276952). No development can commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is advised that fees are applicable for the consent and approval processes and the aforementioned Officer should be contacted at an early stage for further information.

Central Bedfordshire Council Conditions

Condition No. 4

No dwelling shall be occupied until details of lockable bollards for the areas on private drives shown on Plan No. B026/P/PL01 Rev T (BCC Planning Layout) have been submitted to and approved in writing by the Local Planning Authority. The approved bollards shall be installed and operational prior to occupation and shall be retained in perpetuity.

Reason for Condition:

To enable emergency vehicles to exit from driveways without the provision of turning areas thereby avoiding the reversing over long distances of emergency vehicles on to the highway.

Condition No. 5

Before the development is first brought into use, the proposed development shall be carried out and completed in all respects in accordance with the access, siting and layout illustrated on the approved Plan No. B026/P/PL01 Rev T (BCC Planning Layout) and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason for Condition:

To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

6 November 2017

Condition No. 6

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason for Condition:

To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

Condition No. 7

Prior to the occupation of any dwelling details of a refuse collection point located at the site frontage and outside of the public highway and any visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to occupation of any dwelling and shall be retained thereafter.

Reason for Condition:

In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

Condition No. 8

No dwellings shall be occupied until cycle storage has been provided and the vehicle parking spaces have been properly surfaced and marked out/provided in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

Reason for Condition:

To minimise the potential for on-street parking and thereby safeguard the interest of the safety and convenience of road users.

6 November 2017

Condition No. 9

Before any of the driveway accesses are first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level in perpetuity.

Reason for Condition:

To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

Condition No. 10

No other part of the development shall take place until the visibility splay at the junction of the access with the public highway shown on the approved drawing has been provided. All parts of the splays shall thereafter be kept free of all obstructions above the adjacent carriageway level.

Reason for Condition:

To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

Condition No. 11

This permission shall not extend to the street lighting layout and associated engineering details submitted in support of the application as shown on Plan Nos. E3598/950/C and E3598/951/C.

6 November 2017

Reason for Condition:

For the avoidance of doubt.

Condition No. 12

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

BBC Planning layout - Dwg No. B026/P/PL01 Rev U, Materials Dispersion Plan - Dwg No. B026/P/MP/01 B, Landscape Structure Plan - Dwg No. M2756.01 F, Village Street Proposals - Dwg No. M2756.02 F, Location Plan CBC/P/P01 B, Dwg No. 3007-641 Contract Plan, Affordable Housing Layout including Mobility Standard Housing B026/P/AH01 RevD

Parkland House Type - WEST/MAL/PA/P/01, WEST/MAL/PA/E/01, WEST/BOLL/PA/P/01, WEST/BOLL/PA/E/01, WEST/STAU/PA/P/01, WEST/STAU/PA/E/01, WEST/WILL/PA/P/01, WEST/WILL/PA/E/01 Rev A, WEST/WILLSA/PA/P/01, WEST/WILLSA/PA/E/01, WEST/DUN/PA/P/01, WEST/DUN/PA/E/01, WEST/WINDG/PA/P/01, WEST/WINDG/PA/E/01, WEST/MORE/PA/P/01, WEST/MORE/PA/E/01, WEST/PICK/PA/P/01, WEST/PICK/PA/E/01, WEST/APP/PLUS/PA/P/01, WEST/APP/PLUS/PA/E/01, WEST/BRAM/PLUS/PA/E/01, WEST/BRAM/PLUS/PA/P/01, WEST/WHAR/PLUS/PA/P/01, WEST/WHAR/PLUS/PA/E/01, WEST/BRER/PA/P/01, WEST/BRER/PA/E/01, WEST/STRATA/PA/P/01, WEST/STRATA/PA/E/01, WEST/STRATA/DG/PA/P/01, WEST/STRATA/DG/PA/E/01

Suburban Link - WEST/MAL/SL/P/01, WEST/MAL/SL/E/01, WEST/BOLLSA/SL/P/01, WEST/BOLLSA/SL/E/01, WEST/STA/SL/P/01, WEST/STA/SL/E/01, WEST/DUN/SL/P/01, WEST/DUN/SL/E/01, WEST/DALT/DET/SL/P/01, WEST/DALT/DET/SL/E/01, WEST/HOU/SL/P/01, WEST/HOU/SL/E/01, WEST/MORE/SL/P/01, WEST/MORE/SL/E/01, WEST/BOLLSA/SL/P/01, WEST/BOLLSA/SL/E/01, WEST/APP/PLUS/SL/P/01, WEST/APP/PLUS/SL/E/01, WEST/BRAM/PLUS/SL/P/01, WEST/BRAM/PLUS/SL/E/01, WEST/WHAR/PLUS/SL/P/01, WEST/WHAR/PLUS/SL/E/01, WEST/BRER/SL/P/01, WEST/BRER/SL/E/01, WEST/R2MID/SL/P/01, WEST/R2MID/SL/E/01, WEST/R3GE/SL/P/01, WEST/R3GE/SL/E/01, WEST/R3SA/SL/EP01, WEST/R3SA/SL/E/01

Village Street - WEST/MAL/VS/E/01, WEST/MAL/VS/P/01, WEST/BOLL/VS/P/01, WEST/BOLL/VS/E/01, WEST/DUN/VS/P/01, WEST/DUN/VS/E/01, WEST/DIDS/DET/VS/P/01, WEST/DIDS/DET/VS/E/01, WEST/MEL/VS/P/01, WEST/MEL/VS/E/01, WEST/CAP/DIDSP/VS/P/01, WEST/CAP/DIDSP/VS/E/01, WEST/CAP/DIDSP/VS/P/01, WEST/CAP/DIDSP/VS/E/01, WEST/DALT/DETR/VS/P/01, WEST/DALT/DETR/VS/E/01, WEST/DALT/DET/VS/P/01, WEST/DALT/DET/VS/E/01, WEST/CAPE2/R/VS/P/01, WEST/CAPE2/R/VS/E/01, WEST/BOLLSA/VS/P/01, WEST/BOLLSA/VS/E/01,

6 November 2017

WEST/EDGE/VS/P/01, WEST/EDGE/VS/E/01, WEST/R2END/VS/P/01, WEST/R2END/VS/E/01, WEST/R2MID/VS/P/01, WEST/R2MID/VS/E/01, WEST/R2GE/VS/P/01, WEST/R2GE/VS/E/01, WEST/R3/VS/P/01, WEST/R3/VS/E/01, WEST/R3SA/VS/E/01, WEST/R3SA/VS/E/01

Gateway - WEST/STAU/GA/P/01, WEST/STAU/GA/E/01, WEST/DUN/GA/P/01, WEST/DUN/GA/E/01, WEST/DIDSP/GA/P/01, WEST/DIDSP/GA/E/01, WEST/LYMM/GA/P/01, WEST/LYMM/GA/E/01, WEST/LYMMSP/GA/P/01, WEST/LYMMSP/GA/E/01, WEST/MEL/GA/P/01, WEST/MEL/GA/E/01, WEST/CAP/DIDSP/GA/P/01, WEST/CAP/DIDSP/GA/E/01, WEST/CAP/DIDSP/GA/E/01, WEST/CAPR/DIDSP/GA/P/01, WEST/CAPR/DIDSP/GA/E/01, WEST/CAPR/DIDSP/GA/P/01, WEST/CAPR/DIDSP/GA/E/01, WEST/CAPE/DET/GA/P/01, WEST/CAPE/DET/GA/E/01, WEST/DALT/S/GA/P/01, WEST/DALT/S/GA/E/01, WEST/WINSDG/GA/P/01, WEST/WINSDG/GA/E/01, WEST/BOLL2SA/GA/P/01, WEST/BOLL2SA/GA/E/01, WEST/BRER/R/GA/P/01, WEST/BRER/R/GA/E/01, WEST/BRER/GA/P/01, WEST/BRER/GA/E/01

Station Road - WEST/MAL/SR/P/01, WEST/MAL/SR/E/01, WEST/DUN/SR/P/01, WEST/DUN/SR/E/01, WEST/DIDS/DET/SR/P/01, WEST/DIDS/DET/SR/E/01, WEST/MEL/SR/P/01, WEST/MEL/SR/E/01, WEST/DALT/DET/SR/P/01, WEST/DALT/DET/SR/E/01, WEST/MORE/R/SR/P/01, WEST/MORE/R/SR/E/01, WEST/MORESAR/SR/P/01, WEST/MORESAR/SR/E/01, WEST/MORE/SR/P/01, WEST/MORE/SR/E/01, WEST/CAPE2/R/SR/P/01, WEST/CAPE2/R/SR/E/01, WEST/EDGE/SR/P/01, WEST/EDGE/SR/E/01, WEST/R1/SR/P/01, WEST/R1/SR/E/01, R3/END/SR/P/01, WEST/R3/END/SR/E/01

Garages and Car Ports - WEST/CARBARN/01, WEST/GARAGE/01

Street Scenes - WEST/P/ST01, WEST/P/ST02, WEST/GATE/E/01, WEST/PARK/E/01, WESTSTAT/E/01, WEST/SUB/E/01, WEST/VILL/E/01

Details - WEST/BAYS/01, WEST/DOOR/01, WEST/DORM/CHIM/01, WEST/CILL/HEADS/02, WEST/CILL/HEADS/01, WEST/MASONRY/01, WEST/PORCH/01, WEST/STONE/01, WEST/ENCLOSURE/01

Street Lighting – 950C Sheet 1, 951C Sheet 2

Drainage - E3598-500C, E3598-501C, E3598-502C

Refuse Tracking - E3598-790B, E3598-791B

Parking Layout Plan - B026/P/PRK01

Resound Acoustic Noise Report RA00317 – Rep 1 for Village 4, Wixams June 2014, Village 4 Design, Access and Code Compliance Statement August 2016, Morris Homes Affordable Housing Statement November 2017, Project Construction Environmental Plan Ph2 Wixams July 2016, The Institution of Lighting Engineers Guidance Notes For the Reduction Of Light Pollution, Public Art Statement

6 November 2017

Reason for Condition:

To identify the approved plans and to avoid doubt.

Important – please note the following information:

The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ for details of the works involved, the cost of which shall be borne by the developer. No development shall commence until the works have been approved in writing and the applicant has entered into a separate legal agreement covering this point with the Highway Authority.

The applicant is advised that if it is the intention to request Central Bedfordshire Council, as Local Highway Authority, to adopt the proposed highways within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations, shall be submitted to the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ .

5. RESERVED MATTERS APPLICATION PURSUANT TO OUTLINE CONSENT 11/01380/M73 (BBC) AND CB/11/02182/VOC (CBC) FOR STRATEGIC INFRASTRUCTURE WORKS ASSOCIATED WITH VILLAGE TWO OF THE WIXAMS SETTLEMENT, VILLAGE 2, BEDFORD ROAD, WIXAMS, BEDFORDSHIRE (FORMER ELSTOW STORAGE DEPOT, AMPHILL ROAD, HOUGHTON CONQUEST) (17/02241/MAR (BBC) AND CB/17/04247/RM (CBC))

The Manager for Development Management, Bedford Borough Council, and the Assistant Director – Development Infrastructure, Central Bedfordshire Council, jointly reported on the application for a 330 metre long extension to the Southern Link Road within Village 2 which was one of the three proposed road links between Village 1 to Village 3.

The Committee noted that neither the Bedford Borough Council Highways (Development Control) Officer nor the Central Bedfordshire Council Highways Officer had any objection to the revised plans subject to revised details of the footway/cycleway on the northern side of the Station Access Road.

6 November 2017

Members welcomed the relief the proposed road would bring to congestion whilst acknowledging that there might be an increase in traffic through Ampthill.

In response to a question on a Station for Wixams the Chair advised that he had attended a meeting with Network Rail which was in favour of a station but funding was the issue. Network Rail suggested that the cost could be reduced from £30 million down to £27 million, and may be willing to invest £16.5 million in the project. The Chair advised that he had written to Mayor Hodgson to ask for funding to bring the shortfall down to a manageable level. The bid to SEMLEC had been unsuccessful. It was understood that Govia was not in favour of a station for the Wixams.

RESOLVED:

That, subject to the following additional Condition and Informative as recommended by the Manager for Development Management, Bedford Borough Council, to the deletion of suggested Condition No. 1 and to the following additional conditions and Informative as recommended by the Assistant Director – Development Infrastructure, Central Bedfordshire Council, permission be granted in respect of the above application in accordance with the recommendation of the Manager for Development Management, Bedford Borough Council, and the Assistant Director – Development Infrastructure, Central Bedfordshire Council.

Bedford Borough Council Conditions

Condition No. 2

No development in relation to the footway/cycleway shall take place until revised details of the footway/cycleway on the northern side of the Station Access Street have been submitted to and approved in writing by the Local Planning Authority. The footway/cycleway shall be 3.5m in width as set out in the Wixams Design Code 2015, have raised priority crossings at the junctions and radii suitable for cycle use at all connections. No building shall be occupied until the section of road which provides access to that building, together with any footpaths and cycleways, have been constructed in accordance with the approved details.

Reason for Condition:

To ensure that the proposed roadworks are built to an adequate standard in accordance with saved Policy BE30 iv), v) and vi) of

6 November 2017

the adopted Bedford Borough Local Plan 2002.

Important – please note the following information:

The applicant is advised that if it is the intention to request the Bedford Borough Council, as Local Highway Authority, to adopt the proposed highways as maintainable at public expense, then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations, shall be submitted to the Senior Highways Agreements Officer, Engineering Services, Bedford Borough Council, Borough Hall, Bedford, MK42 9AP (Tel. 01234 276952). No development can commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is advised that fees are applicable for the consent and approval processes and the aforementioned Officer should be contacted at an early stage for further information.

Central Bedfordshire Council Conditions

Condition No. 1

No development in relation to the footway/cycleway shall take place until revised details of the footway/cycleway on the northern side of the Station Access Street have been submitted to and approved in writing by the Local Planning Authority. The footway/cycleway shall be 3.5m in width as set out in the Wixams Design Code 2015, have a distance of 5m to the bottom of the ramp, have raised priority crossings at the junctions and radii suitable for cycle use at all connections. No building shall be occupied until the section of road which provides access to that building, together with any footpaths and cycleways, have been constructed in accordance with the approved details.

Reason for Condition:

To ensure a safe connection for pedestrians and cyclists, in accordance with the Wixams Design Code 2015 and Policy DM3 of the Core Strategy and Development Management Policies for Central Bedfordshire (North).

Condition No. 2

No other part of the development shall take place until the visibility splay at the junction of the access with the public highway

6 November 2017

shown on the approved drawing has been provided. All parts of the splays shall thereafter be kept free of all obstructions above the adjacent carriage way level.

Reason for Condition:

To provide adequate visibility between the existing highway and the proposed access(es), and to make the access(es) safe and convenient for the traffic which is likely to use it (them). (Policy DM3, CSDM)

Condition No. 3

Visibility splays shall be provided at the junction of each access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall for the perpetuity of the development remain free of any obstruction to visibility.

Reason for Condition:

To provide adequate visibility between the existing highway and the proposed access(es), and to make the access(es) safe and convenient for the traffic which is likely to use it (them). (Policy DM3, CSDM)

Condition No. 4

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, 000; 7369-01-RL-150; 7369-01-RL-151 Rev A; 7369-01-RL-152 Rev A; 7369-01-RL-153 Rev A; 7514-01-ADR-551; 7514-01-ADR-552; 7514-01-ADR-553; 7514-01-DET-115; 7369-01-SEC-170.

Reason for Condition:

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

6 November 2017

Important – please note the following advice:

The applicant is advised that if it is the intention to request Central Bedfordshire Council, as Local Highway Authority, to adopt the proposed highways within the site as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations, shall be submitted to the Highways Agreements Officer, Highways Contract Team, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

6. MEETING ARRANGEMENTS

The Chair referred to the start time of meetings of this Committee. He suggested that it was challenging for some Members to attend meetings which began in late afternoon and asked that a mutually agreeable time be considered.

The Manager for Development Management, Bedford Borough Council, reported that Gallagher Estates had agreed to arrange a guided tour of Wixams for Members and Officers. It was proposed that they be shown the development completed to date (Village 1, earthworks, Village 2 schools and etcetera) and to highlight the location of future development making up the rest of the settlement. It was hoped that such a visit would allow Members to be better informed of progress to date and of development to come forward in the coming years.

RESOLVED:

- (1) That future meetings of this Committee should usually begin at 6.30 pm.
- (2) That the Manager for Development Management, Bedford Borough Council, be requested to arrange a site visit to Wixams for Members and Officers

The meeting closed at 6.45 pm

Central Bedfordshire Council

WIXAMS JOINT DEVELOPMENT CONTROL COMMITTEE 31 July 2018

Revision to the Triggers for Certain Obligations contained in the Wixams Section 106 Agreement

Advising Officers:

Debbie Willcox, Principal Planning Officer, Central Bedfordshire Council
(Debbie.willcox@centralbedfordshire.gov.uk)

Gideon Richards, Principal Planning Officer, Bedford Borough Council
(Gideon.richards@bedford.gov.uk)

Purpose of this report

The purpose of this report is to advise the Wixams Joint Development Control Committee to agree a Deed of Variation providing revisions to the triggers for certain obligations within the Wixams Section 106 Agreement.

RECOMMENDATION

That the Committee considers the report attached at Appendix A and agrees to the amended Heads of Terms as set out in Section 2.1.1 of the attached report.

Overview and Scrutiny Comments/Recommendations

1. This report is not scheduled to be considered by Overview and Scrutiny as the Wixams Joint Development Control Committee is the appropriate committee for determining matters of this nature.

Background

2. A further report is attached at Appendix A which sets out the proposed revisions contained within the Deed of Variation and the motivation behind the changes.

Council Priorities

3. The proposed revisions to the Section 106 Agreement will support the Council's priorities by providing more appropriate triggers for the delivery of infrastructure on the Wixams development.

Corporate Implications

Legal Implications

5. There are no legal implications.

Financial Implications

6. There will be no financial implications as the value of the section 106 obligations will not change and the revised triggers will deliver obligations and / or infrastructure either in the same time period or provide an earlier delivery.

Equalities Implications

7. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
8. The proposed Deed of Variation will have no equalities implications.

Conclusion and next Steps

9. The attached report outlines the benefits of the proposed Deed of Variation. If the Committee approves the revised Heads of Terms the draft Deed will be progressed in consultation with the solicitors of both Councils.

Appendices

Appendix A – Report: Revision to the Triggers for Certain Obligations contained in the Wixams Section 106 Agreement

Background Papers

None

Wixams Joint Development Control Committee – 31.07.2018 – Revision to the Triggers for Certain Obligations contained in the Wixams Section 106 Agreement

SITE

The land comprising the new settlement of Wixams consists of approximately 384 hectares of land with planning permission for 4,500 dwellings, education, retail, employment, leisure and community uses, open spaces and main infrastructure. It is located approximately two miles south of Bedford town centre with the eastern boundary of the settlement is marked by the re-aligned A6 Bedford Road while to the west the boundary is marked by the main rail line and B530 Ampthill Road. The northern section of the settlement is bounded by open land with some existing employment uses while to the south the boundaries are marked by open countryside.

The overall masterplan for the settlement consists of 4 villages, each separated by linear parkland. Village 1 is the eastern most village adjacent to the A6 which is now completed. Village 2 is centrally located and separated from Village 1 by Greenway B. Village 3 is to the west of Village 2 and will include the Town Centre. Village 4 is to be located on the western edge of Wixams and to be separated from Village 3 by another greenway. Construction work has begun on parcels within Village 4. The site straddles the boundary between Bedford Borough and Central Bedfordshire with Village 2 split approximately two thirds within Bedford Borough and one third within Central Bedfordshire.

COMMENTS

1. CONTEXT

- 1.1 The Wixams S106 was entered into in June 2006 and varied by further agreements in 2011 providing for a Secondary School in Village 1 and in 2015 securing an additional £2.5 million contribution from Gallagher Estates towards the Secondary School by identifying savings elsewhere in the S106 to the same value. Further Deeds of Variation in 2017 and earlier in 2018 varied the affordable housing planning obligations for Villages 2 and 4.
- 1.2 The original S106 is now more than 10 years old and it has become apparent that many of the triggers for the delivery of certain pieces of infrastructure are out-of-date and / or unwieldy and it would be of benefit to all parties to update the triggers within the agreement.
- 1.3 The amendments set out in this report are being sought under S106A (1) of the Town and Country Planning Act 1990 (as amended) which allows a planning obligation to be modified or discharged by agreement between the Local Planning Authority and the person or persons against whom the obligation is enforceable. The amendments will change the Heads of Terms of the joint Wixams S106 legal agreement, and, in accordance with the Terms of Reference and Standing Orders for the Wixams Joint Development Control Committee, the matter is being referred to this committee for determination.

2. MAIN CONSIDERATIONS

2.1 Amendments Sought

2.1.1 The draft deed of variation seeks to make the following amendments to the Heads of Terms:

- (a) Amending and updating the triggers for various pieces of infrastructure, to include date triggers and switching commitments to Village 3;
- (b) Extending the timescales for the provision of the railway station contribution for a further five years;
- (c) Earlier delivery of key roads/Highway infrastructure;
- (d) Amending the affordable housing delivery of Village 3 to be in line with the delivery arrangements for Village 2 as agreed in the 4th and 7th Deeds of Variation
- (e) Deletion of the obligation to provide the First Day Nursery in Village 1, subject to the transfer of land to Bedford Borough Council for the provision of a Day Nursery being completed simultaneously with the completion of the Deed;
- (f) The Landscape Enhancement Area between Wixams and Wilstead to be offered to the Wilstead Parish Council (or successor) at nil cost by 200th occupation within Village 2, and to pay the Commuted Payment for laying out and maintaining the Landscape Enhancement Area.
- (g) The earlier delivery of the Expansion Land obligations;
- (h) Tidies up various points, including listing the previous Deeds of Variation, making minor alterations to the boundaries of the Villages 2, 3 and 4 and removing references to Middle School and the requirement to deliver a Pilot Wind Power Project in the Town Centre.

2.2 Assessment

2.2.1 The draft Deed of Variation seeks to make amendments to the triggers within the agreement in accordance with the table set out below. The amended triggers provide dates as well as occupation triggers, which provides more certainty that the relevant infrastructure will be delivered by an acceptable date, even if delivery timetables should slip.

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
Reference to provision in Schedule 2 of the Existing Planning Agreement (save where specified otherwise)	Current wording in Existing Agreement	Replacement wording to be inserted	Anticipated change in delivery date
Part 2 – Education			
Para 1.7.3	"the third Lower School by the Occupation of the 2,500th (two thousand five hundredth) Dwelling"	"the third Lower/Primary School by the Occupation of the 100th (one hundredth) Dwelling in Village 3 or within 2 years of the date of this Eighth Deed of Variation (whichever is earlier)"	From Q3 of 2022 to Q2 2021 or Q3 2020
Para 2.4	"If the relevant School is the third Lower School to be constructed as part of the Development then the Owners shall use reasonable endeavours to Complete that third Lower School by the Occupation of the 3,300th (three thousand three hundredth) Dwelling"	"If the relevant School is the third Lower/Primary School to be constructed as part of the Development then the Owners shall use reasonable endeavours to Complete that third Lower School by the Occupation of the 500th (five hundredth) Dwelling in Village 3 or within 5 years of the date of this Eighth Deed of Variation (whichever is earlier)"	From Q4 2024 to Q1 2023 or Q3 2023
Part 7 - Community Facilities			
Para 10	"The Owners covenant that until the Occupation of the 3,000th (three thousandth) Dwelling it shall reserve an area of a maximum size of 2 (two) acres in the Town Centre (or such other part of the Site as the relevant Council may approve) for us as a Primary Healthcare Centre and the area shall not be used for any other purpose except Temporary Uses."	"The Owners covenant that they will proffer the Primary Healthcare Centre Site for transfer for a period of 3 (three years) once the 200th (two hundredth) Dwelling on Village 3 is Occupied or within 4 (four) years from the date of this Eighth Deed of Variation (whichever is earlier)."	From Q4 2023 to Q4 2021 or Q3 2022

Part 8 – Management of Public Areas			
Para 4.1	"Subject to obtaining the necessary consents and approvals the Owners covenant not to Occupy more than 2,200 (two thousand two hundred) Dwellings (or such other number of Dwellings as agreed by the relevant Council and the Owners) until they have procured the provision of the Public Car Park in the Town Centre in accordance with the specification set out in the Wixams Specification and Maintenance Schedule"	"Subject to obtaining the necessary consents and approvals, prior to the Occupation of the 250th (two hundred and fiftieth) Dwelling in Village 3 or within 4 (four) years from the date of this Eighth Deed of Variation (whichever is earlier) the Owners covenant to procure the provision of the Public Car Park in the Town Centre in accordance with the specification set out in the Wixams Specification and Maintenance Schedule"	From Q1 2022 to Q1 2022 or Q3 2022
Part 15 – Expansion Land			
Para 2	<p>"The Owners covenant that upon:</p> <p>(i) the grant of planning permission for development of any part of the Expansion Land; and</p> <p>(ii) the necessary infrastructure connecting the Site to that part of the Expansion Land being put in place by the Owners in accordance with the agreed phasing of infrastructure on the Site provided that the Owners can erect any barriers necessary to prevent access or use in accordance with this Part 15 of Schedule 2,</p> <p>they will seek to sell to the owner or developer of the relevant part of the Expansion Land access and other necessary rights in, on, under or over the Boundary Strips to enable development of the relevant part of the Expansion Land and (except in respect of the Hostel Site) the price at which the Owners sell such rights is entirely at their discretion (with the Owners under no obligation to submit to any mechanism for resolving any dispute) for a</p>	<p>"The Owners covenant that upon:</p> <p>(i) the grant of planning permission for development of any part of the Expansion Land; and</p> <p>(ii) the necessary infrastructure connecting the Site to that part of the Expansion Land being put in place by the Owners in accordance with the agreed phasing of infrastructure on the Site provided that the Owners can erect any barriers necessary to prevent access or use in accordance with this Part 15 of Schedule 2,</p> <p>they will seek to sell to the owner or developer of the relevant part of the Expansion Land access and other necessary rights in, on, under or over the Boundary Strip to enable development of the relevant part of the Expansion Land and (except in respect of the Hostel Site) the price at which the Owners sell such rights is entirely at their discretion (with the Owners under no obligation to</p>	From Q2 2027 to Q4 2023 or Q3 2023

	<p>period up until the Commencement of Development of the 4,000th (four thousandth) Dwelling."</p>	<p>submit to any mechanism for resolving any dispute) for a period up until the Commencement of Development of the 3,000th (three thousandth) Dwelling or 5 (five) years from the date of this Eighth Deed of Variation (whichever is earlier)."</p>	
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- 2.2.2 The proposed amended triggers have been checked against the predicted build out schedule and none of the infrastructure would be delivered later than is currently set out within the existing agreement; in several cases the amended triggers represent earlier delivery, most notably the provision of the third Lower School, the Primary Healthcare Site and the Expansion Land obligations. With regard to the Primary Healthcare Site the revised trigger will bring forward the obligation for the developer to offer the land to the NHS; as well as continuing to provide a long backstop date (3 years from the date offered) for the land to be reserved to ensure the NHS have enough time to acquire and deliver the facility.
- 2.2.3 The Deed also makes provision to extend the date for the provision of financial contributions towards the cost of the railway station. Under the current Section 106 Agreement, the obligations on Gallagher Estates to provide a financial contribution towards the railway station would fall away in 2019. Due to uncertainties in relation to the delivery of East West Rail it has not yet been possible to deliver the railway station. The proposed Deed would extend the obligations until 2024 to allow time for the East West rail route to be finalised and discussions to continue in relation to the provision of the railway station.
- 2.2.4 The Deed would include a new phasing plan committing the developers to a timescale for the earlier delivery of the strategic road network. This would facilitate the earlier delivery of the town centre within Village 3 and its associated facilities.
- 2.2.5 As requested by Central Bedfordshire Council’s affordable housing team, the Deed would also bring the delivery of Affordable Housing in Village 3 into line with the arrangements agreed for Village 2. This would ensure that the Affordable Housing that would be delivered would be of a mix of dwellings and a balance of tenures to meet requirements.
- 2.2.6 The current S106 only requires the First and Second Day Nursery sites to be reserved, marketed and offered for lease (at a market rent) for Day Nursery Facilities. It does not require the developer to transfer the Day Nursery sites as free and serviced sites to a nursery operator. However the developer has agreed with Bedford Borough Council, that on completion of this Deed, that they will transfer the First Day Nursery Site at Village 1 to the Council as a free and serviced site. This will enable the nursery facility to be provided in line with the current Section

106 and in accordance with the planning permission recently granted for this facility. The Deed therefore confirms that the obligation in respect of the provision of the First Day Nursery Facility in Village 1 is treated as released and no longer binding or of effect.

- 2.2.7 With regard to the Landscape Enhancement Area the current S106 does not include a trigger requiring the developer to implement the approved landscape scheme. The Deed therefore includes a trigger, requiring the developer to offer the land at nil cost to Wilstead Parish Council (or successor) and to pay the sum of £289,000 to enable the delivery of the approved Landscaping Scheme in respect of the Landscape Enhancement Area. As the obligation to deliver the enhancement will fall on the Parish Council with the relevant funds provided by the Developer, confirmation is being sought from the Parish Council that they are agreeable to the Deed. An update on this matter will be provided orally at the meeting
- 2.2.8 The earlier delivery of the commitments relating to the Expansion Land, would also be provided within the Deed, which would facilitate discussions to deliver connections to neighbouring land at an earlier stage.
- 2.2.9 The tidying up of minor points within the Agreement, and listing of the previous Deeds of Variation would provide clarity and easier comprehension.

3. CONCLUSION

- 3.1 The terms of the proposed Deed of Variation would provide significant benefits to the Councils and the community in securing more certainty (by the introduction of date triggers) and earlier delivery of a number of key pieces of infrastructure; and by securing the railway station funding for an additional five year period. The transfer of the land for the Day Nursery, the affordable housing amendments and the enhanced clarity provided by the proposed Deed would also be of benefit.
- 3.2 It is therefore recommended that Members agree to the amended Heads of Terms as set out in section 2.1.1 of this report.