

Item No. 10**SCHEDULE A**

APPLICATION NUMBER	CB/10/01265/OUT
LOCATION	Wyevale Garden Centres Plc, Dunstable Road, Caddington, Luton, LU1 4AN
PROPOSAL	Erection of new garden centre and office accommodation.
PARISH	Caddington
WARD	South East Bedfordshire
WARD COUNCILLORS	Cllr Ruth Gammons & Cllr Richard Stay
CASE OFFICER	Mr C Murdoch
DATE REGISTERED	28 May 2010
EXPIRY DATE	27 August 2010
APPLICANT	Gleneden Plant
AGENT	Lee Butler MRICS
REASON FOR COMMITTEE TO DETERMINE	Major application for inappropriate development in the Green Belt where justification of very special circumstances to overcome refusal on Green Belt grounds has been recommended
RECOMMENDED DECISION	Outline Application - Refused

The following conditions and informatives are to be imposed under the proposed planning permission.

CONDITIONS

- 1 Before development begins on either phase of the development hereby permitted, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters for that particular phase, namely the
 - access
 - appearance
 - landscaping
 - layout; and
 - scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with Article 4.

Reason: To comply with Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

- 2 Plans and particulars of the reserved matters for each phase of the development hereby permitted, referred to in Condition 1 above, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out only as approved.

Reason: To comply with Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

- 3 Application for approval of the reserved matters for each phase of the development hereby permitted shall be made to the Local Planning Authority before the expiration of three years after the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall begin either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 5 **Development on either phase of the development hereby permitted shall not commence until a landscaping scheme for that phase (or a comprehensive landscaping scheme for the whole site) - to include any hard surfaces - has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of the relevant phase of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**Reason: To ensure a satisfactory standard of landscaping.
(Policy BE8, S.B.L.P.R.).**

- 6 Unless otherwise agreed in writing by the Local Planning Authority:
- (a) tree protection measures and fencing shall only be as stipulated on drawing A051211/01 (Rev.1) and Appendix G of the Arboricultural Implications Assessment, and shall in any case only be in accordance with BS 5837:2005;
 - (b) the development shall only take place in accordance with Section 7 of the Arboricultural Implications Assessment and (i) tree work shall not exceed that recommended in Appendix A (Survey Schedule) thereto and (ii) specific arboricultural facilitation works shall only be carried out in strict accordance with Appendix D thereto;
 - (c) the development shall only take place in strict accordance with the proposed methodology identified within Appendix E of the Arboricultural Method Statement dated November 2008;
 - (d) the protection, supply, planting, preparation and maintenance of the proposed landscaping shall only be in strict accordance with the detailed proposals on drawing A051211/L01 Rev. B, provided that the making good period shall be 5 years from the date of planting.

Reason: To ensure that the proposal is not out of character with its rural setting and does not harm the amenities of the Green Belt or the setting of the adjoining AONB/AGLV.
(Policies 7, B.S.P.; NE3 and BE8, S.B.L.P.R.).

- 7 The site boundary to the south west of the existing retained building, between Points A and B on the Site Location Plan attached to this permission, shall be defined by the erection of a fence. Such fence shall be retained permanently for the duration of the development and there shall be no gates or other openings inserted into the fence and no links created across this boundary between the application site and the land outside the site immediately to the south west.

Reason: To define the extent of the site of this permission and to avoid doubt.

- 8 **Development on either phase of the development hereby permitted shall not commence until samples of the external materials to be used for the walls and roofs of the new building(s) to be erected on the site of that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the proposed buildings in the interest of safeguarding the visual amenities of the Green Belt and the setting of the adjoining AONB/AGLV.
(Policies 7, B.S.P.; NE3 and BE8, S.B.L.P.R.).**

- 9 **Development on either phase of the development hereby permitted shall not commence until details of the levels of the proposed building(s) to be erected on the site of that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development on the relevant phase shall be implemented in accordance with the approved details. For the avoidance of doubt the following scale parameters shall apply:**

- **The total floorspace of existing and proposed buildings on the site, including any floorspace below ground level, shall not exceed 2,620sqm;**
- **The average height of existing and proposed buildings on the site shall not exceed 4.6m;**
- **The maximum height of any new building on the site shall not exceed 5.8m.**

**Reason: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties and to ensure that the impact of the proposed development on the openness of the Green Belt and the setting of the adjoining AONB/AGLV is minimised.
(Policies 7, B.S.P.; NE3 and BE8, S.B.L.P.R.).**

- 10 There shall be no beneficial occupation of either phase of the development hereby permitted until details of a scheme for all external lighting for that phase have been submitted to and approved in writing by the Local Planning Authority and until the scheme has been implemented in accordance with the approved details and is operational. There shall be no departure from or variation to the approved lighting scheme for the relevant phase without the prior approval in writing of the Local Planning Authority.

Reason: To protect the visual amenity of the Green Belt and the adjoining AONB/AGLV and to protect highway safety.
(Policies 7, B.S.P.; NE3 and BE8, S.B.L.P.R.).

- 11 The site of the development hereby permitted shall only be used for the purposes described in the application and for no other purpose in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification). The 'Plant Area' shown on the Indicative Site Layout Plan shall only be used for the display and sale of nursery stock in association with the proposed garden centre and for no other purpose.

Reason: To define the extent of the permission and to avoid doubt.

- 12 **Development on either phase of the development hereby permitted shall not commence until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.**

Reason: To ensure that the foul and surface water drainage scheme does not pose a risk of polluting the groundwater. The groundwater must be protected in this location because it is used to supply drinking water to the public.

- 13 **Development on either phase of the development hereby permitted shall not commence until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before any part of the development is first occupied or brought into beneficial use. Furthermore, the surface water drainage scheme shall include details of how it shall be maintained and managed after its completion.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system.

- 14 **Prior to the commencement of any phase of development approved by this planning permission, the developer shall submit to the Local Planning Authority, in both paper and electronic form where possible:**

- (a) **A Phase 1 desk study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.**
- (b) **Where shown to be necessary by the Phase 1 desk study, a Phase 2 site investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.**
- (c) **Where shown to be necessary by the Phase 2 site investigation, a Phase 3 detailed scheme for the remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.**
- (d) **On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and sampling.**

Any remediation scheme and any variations shall be agreed in writing by the Local Planning Authority prior to the commencement of works. This should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and shall be adhered to.

Should groundwater or surface watercourses be at risk of contamination during or after development, the approval of measures to protect water resources should be sought from the Environment Agency. Furthermore, the site is located on a major aquifer and the Environment Agency must be consulted prior to the commencement of either phase of the development.

**Reason: To protect human health and the environment.
(Policy BE8, S.B.L.P.R.).**

- 15 **Before development begins on either phase of the development hereby permitted, a Waste Audit and Waste Management Plan for that phase, indicating how opportunities for the reduction, recycling and re-use of waste during construction and occupation of that phase will be taken account of, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development on the relevant phase shall be carried out and completed in accordance with the approved Waste Audit and Waste Management Plan.**

**Reason: In the interests of sustainable waste management.
(Policies W5 and W6, Bedfordshire and Luton Waste Local Plan).**

- 16 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans numbered CBC/001 and 6510.**

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

INFORMATIVES

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

East of England Plan (May 2008) Policies

SS1 - Achieving Sustainable Development.
SS4 - Towns other than Key Centres and Rural Areas.
SS7 - Green Belt.
E1 - Job Growth.
E2 - Provision of Land for Employment.
ENV2 - Landscape Conservation.
ENV3 - Biodiversity and Earth Heritage.
ENV7 - Quality in Built Environment.
WAT4 - Flood Risk Management.

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Strategic Policy 3: Sustainable Communities.
Bedfordshire and Luton Policy 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

Bedfordshire Structure Plan 2011

Policy 7 - Areas of Great Landscape Value.

South Bedfordshire Local Plan Review Policies

NE3 - Control of development in Areas of Great Landscape Value.
BE8 - Design and environmental considerations.
T10 - Controlling parking in new developments.
E2 - Control of development on employment land outside Main Employment Areas (Category 2).

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The applicant is advised that the design and layout of the reserved matters application shall have due regard to the following publications:-

- Design in Central Bedfordshire: A Guide for Development; Chilterns Buildings Design Guide and Supplementary Technical Notes on Chilterns Building Materials (Flint, Brick and Roofing Materials).

5. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.