

<b>Item No.</b>
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**SCHEDULE**

<b>APPLICATION NUMBERS</b>	<b>CB/11/02182/VOC &amp; 11/01380/M73</b>
<b>LOCATION</b>	<b>Land and Buildings at Elstow Storage Depot, Amphill Road, Houghton Conquest</b>
<b>PROPOSAL</b>	<b>Variation of Condition: Variation of Condition 20(i) on planning permission MB/99/01694/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</b>
<b>PARISH</b>	<b>Houghton Conquest, Wilstead &amp; Stewartby</b>
<b>WARD</b>	<b>Houghton Conquest &amp; Haynes, Wilshamstead &amp; Elstow</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Barker, Cllr Coombes, Cllr Hill</b>
<b>CASE OFFICERS</b>	<b>Hannah Pattinson (CBC) &amp; Wayne Campbell (BBC)</b>
<b>EXPIRY DATE (CBC)</b>	<b>04 October 2011</b>
<b>EXPIRY DATE (BBC)</b>	<b>20 September 2011</b>
<b>APPLICANT</b>	<b>Wixams First Limited</b>
<b>AGENT</b>	<b>Nathaniel Lichfield &amp; Partners</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Constitutional Requirement  Variation of Condition - Granted</b>

**Site Location:**

These two applications relate to the new settlement of Wixams which was granted outline planning permission by both Bedford Borough Council and Central Bedfordshire Council (formally Mid Bedfordshire Council) in 2006 under application reference 99/01645/OUT and application reference OPP99/01694/OUT for Central Bedfordshire Council. The Wixams settlement is for 4,500 dwellings, education, retail, employment, leisure and community uses, open spaces and main infrastructure.

Located two kilometres south of Bedford town centre, 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 network rail line linking Bedford with London Kings Cross station. The northern section of the settlement is bounded by open land with balancing lakes before the existing employment uses while to the south the boundaries are marked by open countryside.

The Wixams settlement is split into four main 'villages.' Village 1 lies exclusively within the Bedford Borough area and is now nearing completion, with reserved matters details agreed for over 900 dwellings, a lower school, community building and a small retail area. Work on the main infrastructure to link village 1 with village 2 has started and the works to remediate the rest of the Wixams site has also commenced. Village 3 will contain the Town Centre within which will be an area for a large foodstore the floor area of which is restricted by condition 20 attached to the outline consent. Village 4 will contain the railway station for which there is a current application with Bedford Borough Council reference 10/02805/MAF.

## The Application:

The applicants are continuing to bring forward development and have managed to keep construction work going through the worst of the recent downturn. They are looking to bring forward the development as quickly as possible and have been reviewing the likely content of the town centre. Their view is that the scale and nature of the proposed supermarket could have a key influence on the early delivery of the town centre and these two applications have been submitted specifically to seek to vary the terms of the condition that currently restricts the size and nature of the retail offer. The expectation is that if the variations are found to be acceptable new permissions would be granted with no other material changes to the terms upon which the original permissions were granted.

These applications therefore seek approval for the variation of condition 20(i) attached to the Outline consent for the whole development. This condition states that:

“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 3,500m<sup>2</sup> provided that no more than 15% of net retail sales area is to comprise Comparison Goods floorspace, up to a maximum of 500m<sup>2</sup>;
- (ii) Retail warehousing shall be limited to sales of DIY and bulky goods (excluding bulky household electrical appliances) (Class A1) and shall not exceed 3,000m<sup>2</sup> 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 3000m<sup>2</sup> 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 15,540m<sup>2</sup> (Class A1), 500m<sup>2</sup> (Class A2) and 500m<sup>2</sup> (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.”

Part (i) of the condition controls the level of retail sales area of the foodstore within the Wixams development and this application requests that this level be varied so that the new wording states as follows:

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

The applicants are continuing to bring forward development and have managed to keep construction work going through the worst of the recent downturn. They are looking to bring forward the development as quickly as possible and have been reviewing the likely content of the town centre. Their view is that the scale and nature of the proposed supermarket could have a key influence on the early

delivery of the town centre and these two applications have been submitted specifically to seek to vary the terms of the condition that currently restricts the size and nature of the retail offer. The expectation is that if the variations are found to be acceptable new permissions would be granted with no other material changes to the terms upon which the original permissions were granted.

## **RELEVANT POLICIES:**

### **National Policies (PPM & PPS)**

PPS1, PPS3, PPS4

### **Regional Spatial Strategy**

East of England Plan (May 2008)

### **Central Bedfordshire Council North Area - Core Strategy & Development Management Policies (2009)**

DM3, DM7, CS12

### **Mid Bedfordshire Local Plan (First Review) 2005**

H08(4)

### **Bedford Borough Council Saved Policies Local Plan (2002)**

H14 Elstow Storage Depot

### **Bedford Borough Council Core Strategy & Rural Issues Plan (2008)**

CP20

### **Supplementary Planning Guidance**

Design in Central Bedfordshire: A Guide for Development  
Elstow New Settlement Planning & Development Brief Adopted 1999

### **Planning History**

MB/99/01694/OUT	OUTLINE: BUILT DEVELOPMENT CONSISTING OF BUILDING AND ENGINEERING WORKS FOR A MIXED USE DEVELOPMENT OF RESIDENTIAL, EMPLOYMENT, RETAIL (A1, A2, A3), LEISURE AND COMMUNITY USES, OPEN SPACE AND ASSOCIATED USES TOGETHER WITH SUPPORTING INFRASTRUCTURE (ROADS, PATHS, CYCLEWAYS, PUMPING STATIONS, ELECTRICITY SUBSTATIONS), PUBLIC TRANSPORT INTERCHANGE AND CAR PARKING (ALL MATTERS RESERVED EXCEPT ACCESS) - Approved 02/06/2006
99/01645/OUT	BUILT DEVELOPMENT CONSISTING OF BUILDING AND ENGINEERING WORKS FOR A MIXED USE DEVELOPMENT OF RESIDENTIAL, EMPLOYMENT, RETAIL (A1, A2, A3) LEISURE AND COMMUNITY USES, OPEN SPACE AND ASSOCIATED USES TOGETHER WITH SUPPORTING INFRASTRUCTURE (ROADS, PATHS, CYCLEWAYS, PUMPING STATIONS, ELECTRICITY SUBSTATIONS), PUBLIC TRANSPORT,
OPP99/01694/OUT	

01/02607/FUL

INTERCHANGE AND CAR PARKING - Permitted Subject to S106 Agreement.

FULL DECONTAMINATION REMEDIATION OF SITE TO REMOVE ALL MATERIAL IDENTIFIED AS UNSUITABLE TO A DEVELOPMENT AFTER-USE; TO OFF-SITE LOCATION, SUBSEQUENT RESTORATION AND LANDSCAPING, POSSIBLE RELOCATION OF EXISTING TENANTS TO ON-SITE 'ENCLAVE' - Application permitted.

**Representations:  
(Parish & Neighbours)**

Marston Moretaine  
Parish Council

No objections

Wilstead Parish Council

Proposal would make this store by far the largest south of the river and this change would mean fewer shops or they would each be smaller in size and a much larger comparison section would result in increased competition for the smaller shops. No reference included within the application to parking provision and it would have been useful for the predicted traffic flows on the A6 and within Wixams. No provision made for a filling station.

Wixams Community  
Group

No comments received

Neighbours

Two objections were received for the application submitted to Bedford Borough Council. The first from Peacock and Smith ,the second from Bryan G Hall both of whom represent W N Developments Ltd and optimisation Developments Ltd who have a pending planning application for mixed use redevelopment including a supermarket on a site at the former Camford Works site on Amphill Road, Bedford.

Objection by Peacock and Smith relates to the concern that they consider the economic assessment submitted with the planning application is fundamentally flawed, in the following respects:

- \* The catchment area of the proposed food store is unrealistic;
- \* The retail data on which the assessment is based is out-of-date; and
- \* The estimated trade draw figures are inaccurate.

Objection concludes by stating that they consider that the proposal does not satisfy the criteria contained within Policy EC16.1.e which requires that proposals should be an appropriate scale in relation to the size of the centre and its role in the hierarchy. Furthermore, the retail assessment submitted is deficient for the reasons above.

Objection by Bryan G Hall relates to the highway aspect of the development. Traffic assessment only assumes an up lift of 1,000 sqm which without any defined restriction

being applied for this is considered to be the wrong approach, likely to be an underestimate of true levels of generated traffic. No assessment is provided of the Saturday peak period. The TRICS assessment based on superseded version. No detailed explanation or evidence behind traffic distribution.

## Consultations/Publicity responses

**HECS (Env Health & Trading Standards)  
Highways (Development Control) Officer**

With reference to air quality there is no objections on Environmental Health grounds. As total amount of net floor area for A1 use (15,540sqm) of development is not being altered, then there is no objection to the proposal. However as a larger site in itself, there will be a higher concentration of parking than if the A1 use was more evenly spread throughout Wixams as a whole and that access to superstore would need to be of a higher standard to account for higher car and HGV based vehicular traffic.

**Beds/River Ivel Internal Drainage Board  
Environment Agency  
Heritage & Design  
Public Protection**

No comments received

No comments to make on this application.

No comments to make.

No comments to make.

## Determining Issues

The main considerations of the application are;  
The main considerations of the application are;

1. The Principle of the Wixams
2. The Principle of Altering the Wording of the Condition

## Considerations

### 1. The Principle of the Wixams

Policy H08(4) of the Mid Bedfordshire Local Plan (First Review) 2005 and H14 Elstow Storage Depot of Bedford Borough Council Saved Policies Local Plan (2002) are saved planning policies which specifically relates to the development of Elstow Storage Depot which is now known as 'The Wixams'.

In addition the proposal at the Elstow Storage Depot is in accordance with national and local planning policies and the adopted Elstow New Settlement Planning & Development Brief. As such the principle of development is accepted.

This application has been considered in the context of the EIA regulations and it is not considered that an EIA would be required in this instance.

## **2. The Principle of Altering the Wording of the Condition**

There are two key issues with these applications. The first is to assess any adverse impact upon the vitality and viability of existing town and local centres within the catchment area while the second is to assess whether or not the development retains the principles of the Wixams as agreed under the Wixams Development Brief 1999.

The applicant has supported their application with a retail assessment provided by retail consultant Nathaniel Lichfield and Partners (NLP). This retail assessment concludes that there is scope for up to 4,000 sqm of convenience retail floorspace, (500 sqm greater than that permitted already), and up to c.2,500 sqm of comparison retail floorspace. In considering this retail assessment the two Councils instructed retail consultant's Drivers Jonas Deloitte (DJD) to review the information submitted and advise the two Council's on content. As part of DJD final report they reviewed the applicant's assessment of catchment area, methodology adopted and assessment of existing retail and foodstore provision.

In terms of catchment area DJD noted that the applicant's assessment adopted the same area as used in the GL Hearn Study 2000, which supported the original Wixams planning application. The primary catchment area (PCA) covers the rural area to the south of Bedford, extending as far as Clophill, while the secondary catchment area (SCA) is mostly made up of the southern part of the Bedford urban area. Concern has been expressed by DJD over the use of a catchment area which consists of a PCA and a SCA approach. The reason for this is that the bulk of the population, expenditure and existing retail facilities are within the defined SCA, and the assessment is therefore heavily influenced by shopping patterns and the trading performance of facilities in the SCA. A particular characteristic of the Bedford urban area is the strong trading performance of the three large 'out-of-centre' food stores – Tesco Cardington, Tesco Goldington Road and Sainsbury Kempston.

With a gross floor space of 8,361 sq m the proposal would be second only to Tesco Goldington Road 8,679 sq m gross and significantly larger than Sainsbury at Kempston. The Outline planning consent attached conditions relating to the size of the retail element within the Wixams scheme which were directly related to the Elstow Planning and Development Brief 1999. The Brief provided for a settlement centre and four local village centres while the size of the town centre supermarket appears to have been restricted in order to provide an appropriate balance and structure of facilities for the new settlement. The reason for the conditions is stated as being "to protect the retail facilities in surrounding areas and to reinforce the sustainability of the settlement." Although it is accepted that PPS4 seeks to create competition between retailers and sustainable forms of shopping development the joint committee must consider whether or not the proposal to increase the food store on the Wixams development still creates a sustainable form of development. NLP states that a larger foodstore is necessary at Wixams in order to compete with the existing large food stores in Bedford. DJD accept in their final report that new facilities at Wixams would draw some trade from beyond the PCA boundaries. It also appeared important to DJD that there should be an ability to identify the extent of trade inflow to the proposal from the SCA and beyond, so as to be able to form judgements on the appropriateness of these expenditure flows in the context of the proposal being for a 'Major Service Centre' for the Wixams Expansion Area.

The findings of DJD confirm that given that no change is proposed to the overall 'cap' on the floorspace of the centre, it does not appear that an uplift in the comparison goods floorspace of the proposed foodstore would necessarily give rise to an uplift in the comparison goods floorspace within the currently committed centre as a whole. It is likely however, that comparison goods floorspace within a large foodstore would trade more strongly and draw trade from a wider area than would an equivalent amount of comparison goods floorspace in other forms and it is noted that the applicant has made allowance for this in their quantitative assessment. DJD continue by stating that the principal impacts of planning significance arising from the application are on Kempston and Ampthill. However, without making explicit assumptions about the content of the currently committed Wixams scheme, it is impossible to judge the degree of worsening of these impacts, or any other impacts, as compared with those that would have arisen from the committed scheme.

In considering the sustainability aspect of the proposal members should be aware of Principle 3 of Section 5 of the Development Brief which encourages that the Wixams development is a balanced and self sufficient community, as this is seen as a key feature of establishing a sustainable community. The brief encouraged the new settlement to strive for a high degree of self sufficiency in order to minimise pollution of the wider environment; reduce the demand the settlement may make on the resources within the wider environment and improve the quality of life of residents by increasing local choice and convenience. The Town Centre area of village three is seen as the location of the food store within the settlement and the proposal to increase the floor area to allow for flexibility of the end user will ensure that the residents will have the opportunity to have a large food store within their settlement to serve their needs and hence the development retains the principles of the development brief 1999.

Members will have noted above an objection to this application has been received from retail consultants Peacock and Smith acting for the retail operators Morrison's who have an out-standing planning application on Ampthill Road, Bedford. Their main objection relates to the fact that they consider the Wixams application fails to comply with Policies EC16 and EC17 of PPS4 'Planning for Sustainable Economic Growth'. Policy EC16 describes the impact assessment requirements for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan. EC17 considers the issue of how local authorities should respond to planning applications not in a centre and not in accordance with an up-to-date development plan. In considering PPS4 the key issues are whether or not the proposed food store is appropriate in scale for the Wixams development and secondly what impact the development would have on other retail centres in the area.

On the first point the applicant has stated that they are not looking to increase the overall floor area of the retail element of the settlement which will retain its cap of 15,540 sqm. The applicant has also advised that the applicant seeks to reconfigure the retail floor space sought and that the size is considered appropriate for a town centre anchor store to be secured at the Wixams development. Your officers consider that the range and scale of retail development envisaged in the policies and planning permissions for Wixams are consistent with the scale of the settlement and its role as a key service centre.

With regard to the second point (the assessment of impacts on other retail centres), the applicant's retail assessment identifies that with regard to convenience trade it is expected that 70% of the Wixams turnover would be drawn from the two Tesco stores at Cardington and Goldington Road, giving rise to convenience goods impact on these stores of 31% and 23% respectively. In taking this point into account the report of the Council's retail consultant DJD, recognises that although substantial, these impacts do need to be seen in the context that these stores are currently over trading. It is also relevant that neither of these stores is located in a recognised or allocated centre.

In relation to centres (the impact on which PPS4 is concerned with) although diversion of convenience trading from the Kempston and Ampthill stores is significant this must be viewed in the context of the impact these stores would have experienced in the event of the consented Wixams scheme. For comparison goods the principal trade draws are from the Bedford retail parks and Bedford town centre respectively, but the major impacts are on the two Tesco stores at Cardington and Goldington Road, and Sainsbury at Kempston. The comment on this in the DJD report is that the comparison goods impact on Sainsbury Kempston is large but needs to be seen in the context that the comparison goods trading is a relatively small proportion of this store's overall turnover.

Members should also be aware that the Government has consulted on a draft National Planning Policy Framework (NPPF) which will replace PPS4 (along with other national planning policy guidance). This states that "local planning authorities should prefer applications for retail uses to be located in town centres where practical, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered." The NPPF is currently only a draft and is therefore subject to change. For this reason it is your officers recommend that at present NPPF is given little weight.

With regard to the highway objection the details have been considered by the Bedford Borough Council Highway Development Control officer who has confirmed his conclusion that there is no highway objection to the scheme.

## **Conclusion**

These applications seek to vary condition 20 (i) attached to the outline planning permissions. This condition aims to restrict the overall floor space allowed to be developed for retail use the Wixams development. Currently restricted total net retail sales floor area of the foodstore shall not exceed 3,500m<sup>2</sup> provided that no more than 15% of net retail sales area is to comprise Comparison Goods floorspace, up to a maximum of 500m<sup>2</sup>. The request is that the floor space for the food store be changed not to exceed 5,500 sqm within which there would be no more than 2,500 sqm net retail sales area to comprise Comparison Goods floorspace.

The reason for the variation in the condition is to allow flexibility in the quantum of convenience and comparison floorspace permitted to be provided by a single operator in a single building. The end-user is still to be confirmed and their retail assessment is based on the possibility that the final occupier will be one of the leading foodstore operators who have markedly different proportions of convenience and comparison retail sales area.



The application is supported by a retail assessment which has been reviewed by the Council's external retail consultant DJD who conclude that, "given that no change is proposed to the overall 'cap' on the floorspace of the centre, it does not appear to us that an uplift in the comparison goods floorspace of the proposed foodstore would necessarily give rise to an uplift in the comparison goods floorspace within the currently committed centre as a whole." It is however accepted that it is likely that the comparison goods floorspace within a large foodstore would trade more strongly and draw trade from a wider area than would an equivalent amount of comparison goods floorspace in other forms, however the applicant has made allowance for this in their quantitative assessment.

It has been demonstrated that the change in floor space would have impacts on the two Tesco stores in Cardington and Goldington Road but that this impact must be seen in the context that these existing stores are over trading and neither is in a sequentially preferred town or local centre location. It is also clear that in terms of comparison goods the Wixams development will have an impact on the Bedford retail parks and Bedford town centre, with a major impact on the two Tesco stores at Cardington and Goldington Road as well as the Sainsbury store in Kempston. However this needs to be seen in the context that comparison goods trading is a relatively small proportion of that Sainsbury store overall trading.

The issues raised by the application proposal relate to the appropriate structure and balance of retailing within the Wixams shopping centres and competition between retailers. These are matters which are referred to in the context of the planning permission granted in 2006 and the Elstow Planning and Development Brief 1999. In 2006 the Councils judged that it was appropriate to impose restrictions on the Wixams retail centres, in particular restricting the size of the proposed foodstore. Reasons given included the provisions of the Development Brief and "the sustainability of the settlement". The Councils need to consider any change of circumstances that have occurred subsequently and whether the current proposals can equally meet the objectives and vision for the new settlement. In this instance your offices' assessment is that a larger food store, incorporating additional comparison floorspace can be allowed within the Wixams development as it would still follow the sustainability principle and sit within the overall floorspace cap of development as stated within the Elstow Development Brief.

In summary, the applicant has submitted justification for the alteration to the wording of condition 20 and there is no material planning consideration which is sufficiently detrimental to warrant refusal of this application.

It should be noted that the recommendation would effectively result in the granting of new planning permissions for the whole settlement. As such these planning permissions can only be issued when all parties with a legal interest in land contained within the Wixams for Villages 2, 3 & 4 (including the Railway Quarter) have entered into a suitably worded Deed of Variation to obligate the existing requirements of the S106 Agreement.

## **Recommendation**

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

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**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 28,500m<sup>2</sup> gross floorspace B1 space;
- up to 9,000m<sup>2</sup> gross floorspace B2 space;
- up to 9,000m<sup>2</sup> gross floorspace B8 space;
- up to 15,540m<sup>2</sup> gross floorspace A1 space;

- up to 500m<sup>2</sup> gross floorspace A2 space;
- up to 500m<sup>2</sup> gross floorspace A3/A4/A5 space;
- approximately 6000m<sup>2</sup> 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:

<b>Use Class</b>	<b>Indicative Threshold (Gross Floor Area - square metres)</b>
A1 Food retail	1,000 m <sup>2</sup>
A1 Non-food retail	1,000 m <sup>2</sup>
A2 Financial and professional services	1,000 m <sup>2</sup>
A3/A4/A5 Food and Drink	1,000 m <sup>2</sup>
B1 Business	2,500 m <sup>2</sup>
B2 to B7 Industry	5,000 m <sup>2</sup>
C1 Hotels and Hostels and C2 Residential Institutions	1,000 m <sup>2</sup>
D1 Non-residential Institutions (including Hospitals, Higher and Further Education)	2,500 m <sup>2</sup>
D2 Assembly and Leisure	1,000 m <sup>2</sup> 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.

## 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)

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

#### 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 2.500 sq m of the net retail sales area is to comprise comparison goods floor space;
- (ii) Retail warehousing shall be limited to sales of DIY and bulky goods (excluding bulky household electrical appliances) (Class A1) and shall not exceed 3,000m<sup>2</sup> 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 3000m<sup>2</sup> 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 15,540m<sup>2</sup> (Class A1), 500m<sup>2</sup> (Class A2) and 500m<sup>2</sup> (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 m<sup>2</sup> 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 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.

- 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.



## 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.

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.

## **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.

### **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.

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).

**Notes to Applicant**

**DECISION**

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