

Item No. 7

APPLICATION NUMBER	CB/12/01496/OUT
LOCATION	Land at Warren Farm, Flitwick Road, Ampthill
PROPOSAL	Outline: Development of up to 410 dwellings, together with open space, accesses and surface water retention basin.
PARISH	Ampthill
WARD	Ampthill
WARD COUNCILLORS	Cllrs Duckett, Blair & Smith
CASE OFFICER	Jennie Selley
DATE REGISTERED	24 April 2012
EXPIRY DATE	24 July 2012
APPLICANT	Denison Investments Ltd & Connolly Homes Plc
AGENT	Hives Planning Limited
REASON FOR COMMITTEE TO DETERMINE	Request for referral to Committee by Councillor Duckett for reason that he considers views of over 2000 members of the community are not being considered and the proposals do not take into consideration points previously raised.
RECOMMENDED DECISION	Outline Application - Granted

That Planning Permission be **granted** subject to satisfactory completion of a Section 106 Agreement and the following conditions:

- 1 Approval of the details of the appearance, landscaping, layout and scale of the development within each area approved as identified in condition 4, and the landscaping adjoining it (herein called 'the reserved matters') shall be obtained in writing from the local planning authority before development is commenced within that area. The development shall be carried out in accordance with the approved details.**

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

- 2 Application for approval of the reserved matters for each area, as identified in condition 4, shall be made to the local planning authority before the expiration of 5 years from the date of this permission. The development shall begin no later than two years from the approval of the final reserved matters.**

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development hereby permitted shall not be carried out except in accordance with the Approved Plans drawings numbers: Red Line Plan 1239-O-1120; Land Use Plan 1239-O-1121 Rev B; Principal Points of Access 1239-O-1122 Rev A; Access & Movement 1239-O-1123 Rev C; Flitwick Road Junction Layout 13921/2001 F; Abbey Lane Junction Layout 13921/2002 G; and Lammas Way Access 13921/2003.**

Reason: For the avoidance of doubt.

- 4 Prior to the submission of the first reserved matters, an areas plan for the entire application site shall be submitted to and agreed in writing by the local planning authority. The areas plan shall show a maximum of 6 areas; define the location and extent of each residential area and the number of dwellings in each area; and also the timing of the provision of the link road, the Lammas Way pedestrian access and the green infrastructure. The development of each area shall be carried out in accordance with the approved areas plan.

Reason: In order to ensure the timely provision of the development.

- 5 Prior to the submission of the first reserved matters application for each area, a detailed design code for that area of the development shall be submitted to the local planning authority for written approval. The detailed design code for each area shall demonstrate how it relates to any adjoining area(s) design code(s); how the objectives of the Design and Access Statement (April 2012) will be met, and shall be in accordance with the drawings and documents referred to in Condition 1 above. The design code for each area shall:
- a) explain how the code fits in with the Adopted Warren Farm Development Brief (February 2012) and its purpose.
 - b) outline the street network/hierarchy and include cross sections for each street type that outline the various applicable elements within the cross section, including overall range of building line distance(s), set backs/privacy strip(s), cycle lane(s) (if applicable), verge width(s), pavement width(s) , any on street parking, bus stops (if applicable) and carriageway width(s). Details of surface material type(s) will also be provided.
 - c) identify any character areas within which the following design principles shall be identified:
 - (i) public realm including details of landscaping, public art opportunities, public realm material types (landscape, street furniture etc) and refuse collection.
 - (ii) block principles including ranges for plot widths and depths, building lines, frontages and set backs, any on plot or other parking, cycle parking, servicing and storage and collection of waste.
 - (iii) boundary treatments including types to front, side and rear boundaries.
 - (iv) building types & uses.
 - (v) building densities and heights.
 - (vi) key gateways, landmark buildings, vistas and frontages.
 - (vii) architectural detailing and materials including key roofscape principles, building material types & design details: including signage and lighting (where applicable).
 - (viii) environmental and sustainability standards including details of any sustainable urban drainage system ("SUDS") serving that area

The development of each area shall be carried out in accordance with the approved design code for that area.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009).

- 6 No more than 410 dwellings shall be constructed on the site pursuant to this planning permission.

Reason: The application is for outline planning permission for 410 dwellings.

- 7 **Prior to the commencement of the development in each area approved by condition 4 of this permission, a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. This shall detail methods that all developers, contractors and sub-contractors will employ at all times during demolition, construction and other engineering operations on the site. The Code of Practice shall include:**

- Measures to be used to control and suppress dust;
- Measures to be used to reduce the impact of noise and vibration arising from noise and vibration generating activities on site in accordance with best practice as set out in BS 5228:2009 ' Code of Practice for noise and vibration control on construction and open sites'
- The siting and appearance of works compounds

The implementation of the development shall only be undertaken in accordance with the approved Code of Practice.

Reason: To safeguard the amenities of the occupiers of neighbouring residential premises in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009).

- 8 No works in respect of the construction of the development hereby permitted shall be undertaken at the following times:

- a) Outside the hours of 0700 - 1800 on Mondays to Fridays (inclusive);
- b) Outside the hours of 0800 - 1300 on Saturdays;
- c) Not at all on Sundays and on public holidays.

Reason: To minimise the disturbance and inconvenience to residents living near the site in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009).

9 **No development shall commence until an overarching landscape and Open Space Strategy has been submitted to and approved in writing by the local planning authority. The Landscape and Open Space Strategy shall set out the in principle requirements for treatment of the areas of landscaping and open space, shall be in accordance with the Land Use Plan drawing number 1239-O-1110 Rev D and the areas plan and shall include:**

- a) a programme for implementation;
- b) long-term design objectives for the laying out of areas of green infrastructure and open space within the residential development areas including any replacement planting;
- c) short and long-term management responsibilities;
- d) maintenance schedules for all hard and soft landscape areas and open spaces (other than privately owned domestic gardens), and any associated features.

The development shall be carried out in accordance with the approved overarching Landscape and Open Space Strategy.

Reason: To ensure a satisfactory appearance of the development in accordance with Policies DM3 and DM16 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009).

10 The development hereby permitted shall not be carried out otherwise than in accordance with the Flood Risk Assessment dated June 2012.

Reason: To prevent the risk of flooding, to improve and protect water quality, to ensure the future maintenance of surface and foul water drainage systems in accordance with Policy DM2 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and Central Government advice contained within the National Planning Policy Framework (2012).

11 **No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1% AEP (100 year return period) critical storm, plus a suitable allowance for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall be based upon the principles within the agreed Flood Risk Assessment dated June 2012 and shall also include:

- Full storm event simulation results with appropriate inputs and parameters demonstrating the surface water runoff rates for the Q_{BAR}, Q₃₀, Q₁₀₀ and Q_{100 PLUS CLIMATE CHANGE} storm events, of the critical storm season and duration;
- Full results of proposed drainage system modelling in the above referenced storm events, inclusive of all collection, conveyance, storage, flow control and the disposal elements, together with an assessment of the system performance;
- Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions, and pipe reference numbers;
- Full details of the proposed attenuation and flow control measures, including dimensions, design and water levels, gradients and – where a vortex flow control is used – the manufacturer’s design flow curve;
- Details of the existing state, nature and capacity of ditches in situ, and a full assessment of post-development impacts on the utilisation of the ditches for surface water conveyance;
- Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants, or to adjacent or downstream sites;
- Evidence that the Internal Drainage Board have been fully consulted and any requirements fully complied with;
- Full details of the maintenance and/or adoption of the system inclusive of all collection, conveyance, storage, flow control and disposal elements.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with Policy DM2 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and Central Government advice contained within the National Planning Policy Framework (2012).

- 12 **No development shall commence until a scheme to dispose of foul water for the development hereby permitted has been authority. The scheme shall be implemented in accordance with the approved details.**

Reason: To ensure that adequate foul drainage has been provided in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and Central Government advice contained within the National Planning Policy Framework (2012).

- 13 **No development shall take place in an area of the development approved as per condition 4 above until there has been submitted to and approved in writing by the Local Planning Authority a detailed waste audit scheme for that area. The waste audit scheme shall include details of refuse storage and recycling facilities. The development of each area shall be carried out in accordance with the approved details shall not thereafter be used for any other purpose.**

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009) and Central Government advice contained within the National Planning Policy Framework (2012).

- 14 Prior to the commencement of development in each area, details of the finished floor and site levels for each area of the development approved as per condition 4 above, shall be submitted concurrently with the reserved matters applications for that area and approved in writing by the local planning authority and shall include full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out strictly in accordance with the approved level details.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development.

- 15 **No development shall take place in an area of the development approved as per condition 4 of this permission until details of the plans and sections of the proposed roads, including gradients and method of surface water disposal have been submitted to and approved in writing by the Local Planning Authority and no building within that area shall be occupied until the section of road which provides access thereto has been constructed (apart from final surfacing) in accordance with the approved details.**

Reason: To ensure that the proposed road works are constructed to adequate standard.

- 16 No buildings, or structures, including fences, of height greater than 0.6m are to be constructed within the 2.4m x 60m visibility envelope of the tidy tip access, as shown on the approved site access drawing (Drawing Number 13921/2002G).

Reason: In the interests of highway safety.

- 17 The details required by Condition 1 of this permission shall include a scheme for protection of dwellings from noise from the adjoining Household Waste Recycling Centre, as identified in Spectrum Acoustics Report Ref JW545/11222 dated 16th October 2012. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter.

Reason: In the interests of the amenities of the occupants of the development in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009).

- 18 **The applicant or developer will secure the implementation of a Written Scheme of Archaeological Investigation for the Poplar Plantation Area (as identified on the Areas Plan required by Condition 3 above) subject to works for the approved drainage strategy and the areas identified with archaeological remains of Iron Age occupation and the post medieval kiln feature as shown on drawing Arch.001 and any land immediately adjoining these areas as may be reasonably appropriate . No development shall take place within those identified areas until the Written Scheme for those areas which shall identify the extent of the land in which the Scheme is to be implemented has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in accordance with the Scheme thereby approved.**

Reason: To record and advance understanding of the significance of the heritage assets with archaeological interest in accordance Central Government advice contained within the National Planning Policy Framework (2012).

- 19 The landscaping scheme required by condition 1 of this permission shall show the numbers, types and sizes of trees, grass and shrubs to be planted and their location in relation to proposed buildings, underground services and/or engineering works and shall include details of any hard surfaces and earth mounding. The approved scheme for each area approved by condition 3 of this permission shall be implemented by the end of the full planting season immediately following the completion of that identified area (a full planting season means the period from October to March). The trees, shrubs and grass shall be subsequently 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 in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009).

- 20 **Prior to commencement of development in each area approved by condition 4 of this permission, including any ground clearance or excavation, protective fencing, the details of which shall be first approved in writing by the Local Planning Authority, shall be erected around the trees T45, T47, T56, T57, T58 and G16 as identified on Arbtech Consulting Limited Drawing No. TCP – 01 dated 27/012011. The protective fencing shall be retained at full height and extent until completion of development in each area. No materials shall be stored or deposited and no mixing of materials shall take place within the area so protected.**

Reason: To protect the trees so enclosed in accordance with Section 8 of BS5837 of 2005 or as may be subsequently amended in accordance with Policy DM14 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009).

- 21 The development shall be carried out in accordance with all ecological mitigation proposals set out in Aspect Ecology Report No. ECO2174.EcoAs.dv2 dated April 2012.
- Reason: To protect and enhance features of recognised nature conservation importance in accordance with Policy DM15 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009).
- 22 The details required by condition 1 of this permission shall include a scheme for parking, garaging and manoeuvring and the loading and unloading of vehicles in respect of each building forming part of the identified area thereof and shall be in accordance with the details approved by the Design Code for each area. The approved scheme pursuant to condition 1 shall be made available for use before the building is occupied and those areas shall not thereafter be used for any other purpose.
- Reason: To ensure that adequate turning, parking and unloading space is available in the interest of road safety.
- 23 **Prior to commencement of development in each area approved by condition 4 of this permission, a scheme showing the proposed boundary treatment of that area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the type and height of fences, hedges, walls or other means of enclosure and shall be in accordance with the details approved by the Design Code for each area. The approved scheme shall be implemented before the adjacent residential units are first occupied.**
- Reason: To ensure a satisfactory appearance for the development and to safeguard the amenity of future occupiers in accordance with Policy DM3 of the Central Bedfordshire (North Area) Core Strategy and Development Management Policies (2009).**

Reasons for Granting

The site is allocated for residential development to provide a *minimum* of 410 dwellings under Policy HA4 of the Central Bedfordshire (North) Site Allocations DPD. Whilst the application proposes *up to* 410 dwellings the lower number of dwellings proposed is considered to be acceptable in view of there no longer being minimum density requirements set by Central Government and a general acceptance of lower density developments. The application also proposes provision of open space, including a NEAP and attenuation pond, within the designated Green Belt. The NPPF allows these uses as an exception providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposal would meet these requirements. The application has been advertised as a departure from Development Plan policy for the above reasons.

The proposal will deliver a sustainable form of residential development which will include provision of affordable housing, on site open space facilities, off-site highways improvements and financial contributions towards infrastructure to mitigate the local impacts of the development. The proposal is considered to be in accordance with relevant sections and policies of the National Planning Policy Framework, the East of England Plan, Central

Bedfordshire (North Area) Core Strategy and Development Management Policies 2009, Affordable Housing (July 2004) and Planning Obligations (north) (November 2009) SPD's, Mid Bedfordshire Recreation Open Space Strategy (2004), Design in Central Bedfordshire: A Guide to Development (2010) and the Warren Farm, Ampthill Development Brief (November 2011).

Notes to Applicant

1. **Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.**
2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN.
3. 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 Management Group, 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. (HN vii)
4. The applicant is advised that in order to comply with Conditions 3 and 13 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. (HN viii)
5. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways 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 Development Management Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. (HN xii)
6. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide to Development" and the Department for Transport's "Manual for Streets", or any amendment thereto. (HN xiii)

7. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with Central Bedfordshire Council's "Cycle Parking Guidance - July 2010".
8. You are advised to note the comments of National Grid as set out in the enclosed letter.
9. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of the apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
10. If the developer wishes to connect to the Anglian Water sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. Anglian Water will be able to advise of the most suitable point of connection.
11. If the proposed pipe network crosses under and/or is within 7 metres of an Internal Drainage Board controlled watercourse the Boards statutory consent will be required.
12.
 - The proposal is situated over a Principal and Secondary aquifer.
 - Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
 - Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
 - Drainage from parking areas that will discharge to a surface watercourse must be first passed through an oil interceptor. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to surface waters.
 - Storage of domestic oil in above ground tanks >3500 litres must be undertaken on site in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Storage of domestic oil in above ground tanks <3500 litres must be undertaken in accordance with Approved Document J of the Building Regulations.

13. Any removal of trees, scrub or hedgerow should take place outside the bird breeding season of March to August inclusive. Should any such vegetation have to be removed during, or close to this period it should first be thoroughly assessed by a suitably experienced ecologist as to whether it is in use by nesting birds. Should nests be found, a suitable area of vegetation (no less than a 5m zone around the nest) should be left intact and undisturbed until it is confirmed that any young have fledged before works in that area proceed. This process should be agreed in writing with the Local Planning Authority.
REASON: In order not to cause destruction of, or damage to , the nests of wild birds, their eggs and young. This corresponds to the protection afforded to them under the Wildlife and Countryside Act 1981 (as amended).

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of three amendments to the report:
 - (a) a revised site plan had been attached to the late sheet;
 - (b) the amount of affordable housing was 35% totaling 144 dwellings, correction to page 51 of the report
 - (c) recommended condition no. 3 should refer to the Red Line Plan 1239-0-1120.]