

Item No. 11

APPLICATION NUMBER	CB/12/03121/OUT
LOCATION	Shelton Farm, Lower Shelton Road, Marston Moretaine, Bedford, MK43 0LP
PROPOSAL	Outline: Removal of existing buildings and erection of five detached dwellings and change of use from scrapyards to open use land.
PARISH	Marston Moretaine
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Bastable, Matthews & Mrs Clark
CASE OFFICER	James Clements
DATE REGISTERED	28 August 2012
EXPIRY DATE	23 October 2012
APPLICANT	Westhaven Estates
AGENT	Haven Developments Ltd
REASON FOR COMMITTEE TO DETERMINE	Departure from the Development Plan
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site measures 0.99 hectares in size and is located to the east of Lower Shelton Road to the rear of Shelton Farmhouse at the northern end of the village of Lower Shelton. The site is a former farmyard, which has a certificate of lawful use for agricultural scrap, with extensive concrete hardstanding and includes six former agricultural buildings. The site is accessed to the south of the site between nos 110&110a, which was granted consent under MB/96/703. The original access that served the farmyard is between no.112 Lower Shelton Road and Shelton Farmhouse but this is no longer in use.

There is little significant vegetation on the site itself of any significance. The southern boundary has a number of conifers that have been planted to screen the site and additional screening planting has been carried out on adjoining land which includes a shelter belt to the south consisting of Alder, Cornus, Hazel, Poplar and Ash. Mixed native hedging to the east and north is well established. Further mature conifer planting and screening to the north is evident.

Open agricultural land lies immediately to the north and east of the site. Immediately to the west are a limited number of residential properties within the village. Immediately to the south are a number of infill redevelopment plots. A public footpath crosses the site (temporarily diverted around the site). The site lies in open countryside and within the Marston Vale Community Forest area.

The Application:

Outline consent is sought for the removal of existing buildings, the erection of five detached dwellings and change of use from scrapyards to open space for use as a wildlife area. The matters applied for to be determined as part of this application are access and layout (it should be noted that on the 31st January the government removed the detailed requirements for 'Layout and 'Scale' at the Outline stage e.g. indication of upper and lower parameters for height and length).

The proposed plan shows the site accessed between no's 110 & 110a Lower Shelton Road, dog-legging around the rear boundaries of no.110a & 100b before entering the main site. The access between no.110 & 110a measures approximately between 10&12m in width.

The layout plan indicates that the site will be divided in two, with the eastern side (main area of buildings and hardstanding) utilised for the five plots, gardens, access and turning head and the western half used as open space for a wildlife area. The Design and Access Statement states that the five dwellings would be 2-storey, L-shaped, measuring 14 by 14m.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

Requiring good design

Delivering a wide choice of high quality homes

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development

ENV2 - Landscape Conservation

ENV3 - Biodiversity and Earth Heritage

ENV7 - Quality in the Built Environment

ENG1 - Carbon Dioxide and Energy Performance

H2 - Affordable Housing

T14 - Parking

Bedfordshire Structure Plan 2011

None relevant

Core Strategy and Development Management Policies - North 2009

CS1 Development Strategy

CS2 Developer Contributions

CS3 Healthy and Sustainable Communities

CS4 Linking communities

CS7 Affordable Housing

CS11 Rural Economy

CS14 High Quality Development

CS16 Landscape and Woodland

CS17 Green Infrastructure

- CS18 Biodiversity and Geological Conservation
- DM2 Surface water drainage
- DM3 High Quality Development
- DM4 Development within and beyond settlement envelopes
- DM15 Biodiversity

Development Strategy for Central Bedfordshire - Pre-Submission January 2013

- Policy 2: Growth Strategy
- Policy 4: Settlement Hierarchy
- Policy 9: Employment proposals outside Settlement Envelopes
- Policy 19: Planning Obligations and the Community Infrastructure Levy
- Policy 21: Increasing Access to Quality Social and Community Infrastructure
- Policy 22: Leisure and open space provision
- Policy 23 : Public Rights of Way
- Policy 24: Accessibility and Connectivity
- Policy 27: Car Parking
- Policy 32: Affordable Housing
- Policy 38: Within and Beyond Settlement Boundaries
- Policy 42: Development in the Countryside
- Policy 44: High Quality Development
- Policy 45: Protection from Environmental Pollution
- Policy 50: Renewable and low carbon energy development
- Policy 51 : Resource Efficiency
- Policy 55: Green Infrastructure
- Policy 57: Woodlands, Trees and Hedgerows

Supplementary Planning Guidance

Design Guide - Design supplement DS1: New Residential Development & DS7: Movement, Street and Places

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|-------------|---|
| 92/1554/LDC | Lawful Development Certificate: Storage, dismantling, breaking, repair, renovation and sale of agricultural machinery, including machinery for ditching drainage, hedge cutting, lifting livestock, transport on trailers together with the sale of parts and equipment, including tyres and oils arising from agricultural machinery. Approved 1.3.93. |
| 00/1177 | Outline: residential development of 21 houses (all matters reserved except siting and means of access). Appeal dismissed 8.8.01 |
| 96/703 | Erection of four detached dwellings with garages and relocation of farm access. Approved 30.5.96 |
| 01/506 | Outline: residential development of 16 houses (all matters reserved except means of access). Refused 29.5.01 |

Applications Reference: 00/1177 and 01/506 were refused because residential development in the open countryside is contrary to policy, residential development in this location would adversely affect the character of the village and sufficient information had not been provided on affordable housing, contamination and drainage.

02/1542	Full: Alterations, extensions and change of use of buildings and erection of new building to form 11 No units for B1 employment use, parking area, landscaping and alterations to public footpath and Marston Vale cycleway. Withdrawn 3.12.02
02/2154	Full: Alterations, extensions and change of use of buildings and erection of new building to form 11 no. units for B1 employment use, parking area, landscaping and resurfacing of public footpath. Approved 14.7.05
CB/10/0368/OUT	Outline: Redevelopment to form mixed use scheme, incorporating affordable housing, livework units, community facility and enterprise centre - refused (upheld at appeal).

**Representations:
(Parish & Neighbours)**

Parish/Town Council	No objection. Would wish to see the existing timber barn retained somewhere on site.
Neighbours no.112	Objection - Plot 2 would be intrusive upon the privacy and light of no.112; loss of amenity and increased noise pollution; loss of privacy due to the overlooking of living areas through roof lights in no.112's barn (permission for conversion from milking shed to living accommodation with roof lights in roof slope - not yet implemented); restrictive covenants imposed on Shelton Farm scrapyard in relation to no.112.
No.110	The proposed access between no.110&110a would affect privacy and create noise and traffic and an increase in dust and dirt. I would put forward that the existing access by Shelton Farmhouse be used.
Petition	Support with 16 signatures
No. 1 The rickard, no.18 Franklin Close, no's 36, 40, 47, 52a, 54, 92a, 103, 107, 110b, 117, 129, 131,133, 137, 145, 145b, 147,153, 156a, 157, 159, 160, 175, 181, 189 & 251 Lower Shelton Road and Homlea, Shelton Lower School & Twin Lodge, Lower Shelton Road.	Generic letter in support of the application - '...The proposal for five houses puts and end once and for all to the uncertainty for the site. The buildings would go, half the site would effectively be open countryside through which the public footpath runs. In addition the access by the side of Shelton Farmhouse would not be used for the housing eliminating any potential future traffic issues associated with an industrial use...'

Consultations/Publicity responses

Archaeology	<p>The proposed development site lies partially within the historic core of the settlement of Lower Shelton (HER 16936). It is a heritage asset with archaeological interest as defined by the <i>National Planning Policy Framework</i>. However, given the previous land-use it is likely that any surviving archaeological deposits will have been heavily disturbed. On that basis the proposed development is unlikely to have a major impact on archaeological remains or on the significance of the heritage asset with archaeological interest. Therefore, I have no objection to this application on archaeological grounds.</p>
Ecology	<p>No objection subject to CEMP condition. The development proposal includes a substantial amount of open space together with various habitat opportunities including a pond area. This is to be welcomed and would benefit from the inclusion of habitat piles / hibernacula and new native tree / shrub planting together with areas of open grassland managed extensively to provide a tussocky habitat ideal for reptiles, amphibians and hunting barn owls.</p>
Minerals and Waste	<p>No objections</p>
Public Protection	<p>No objections subject to a condition (contamination)</p>
Tree & Landscape Officer	<p>There is little significant vegetation on the site itself of any significance.</p> <p>Southern boundary has a number of conifers that have been planted to screen the site and additional screening planting has been carried out on adjoining land which includes a shelter belt to the south consisting of Alder, Cornus, Hazel, Poplar and Ash. Mixed native hedging to the east and north is well established. Further mature conifer planting and screening to the north is evident.</p> <p>Two trees worthy of retention on the site would be an early mature Oak that is at the far east of the site and on the ditch boundary and a Pine situated on the north boundary.</p> <p>Previous history identifies that there were two ponds on the site and it would be a positive step to have one of them reintroduced as outlined.</p> <p>Details will be required of all landscaping proposals including all planting of trees and shrubs to include species, sizes, densities and soil preparation, and all proposed planting on the wetland/pond area.</p>

Tree survey required to detail protection distances and care for trees on adjoining land that may be influenced by the proposals. (They offer substantial site screening and require protection) and also the few trees of worth on the site.

Hard landscaping details required.

Footpath Officer No objection given that the footpath will be incorporated into the scheme.

Environment Agency No objections subject to informatives

Determining Issues

The main considerations of the application are;

1. Principle of development
2. Impact on the appearance of the area
3. Impact on residential amenity
4. Ecology
5. Open Sapce
6. Highway considerations
7. S106 Unilateral Undertaking

Considerations

1. Principle of development

Lower Shelton does not have a settlement envelope and is in open countryside therefore residential development in this location is not supported in principle by planning policy DM4. The site was previously in open countryside but just outside the settlement envelope. As part of the 2009 LDF process the settlement envelope was completely removed. Most of the site has the benefit of a certificate of lawfulness for use as a scrap yard associated with agriculture (it appears a small triangular area to the north of the site that was then landscaped was excluded from the certificate). The land therefore complies with the definition of being brownfield (previously developed) land.

The arguments proposed by the application as to why a residential use, contrary to planning policy, is acceptable in this location are:

- The planning gain/improvement to residential amenity of removing an unrestricted agricultural scrap use for storage, dismantling, breaking, repair, renovation and sale of agricultural machinery, including machinery for ditching drainage, hedge cutting, lifting livestock, transport on trailers together with the sale of parts and equipment, including tyres and oils arising from agricultural machinery;
- Removal of unsightly modern agricultural buildings and improvement upon visual amenity;
- Part of the site would be used as a wildlife open space with distinct habitats

with the dilapidated timber framed barn being relocated from the farm yard for use as a habitat;

- Reuse of a brownfield site with the remediation of contaminated land.

In this circumstance the above arguments are considered to be sufficient to depart from planning policy and to support residential development in this location. The proposed scheme would offer significant planning gains for the area and would remove an unrestricted agricultural scrap use that is incompatible with surrounding residential properties.

2. Impact on the appearance of the area

The removal of unsightly modern farm buildings and relocation of the dilapidated timber barn would undoubtedly enhance the appearance of the area when viewed from Lower Shelton Road and the public footpath that crosses the site.

The impact of the proposed 5 dwellings in terms of design and appearance is more difficult to assess given the outline nature of the application. At this outline stage the matter to be determined is access and layout. 'Layout means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. Previously, until the government removed the requirement to submit details for scale and layout on January 31st 2013, outline applications were required to set out building locations, widths, lengths and upper and lower heights and information about open spaces and routes.

The application was submitted before the change in requirements and has shown much of this information. The application does not however propose upper and lower limits for the development although the Design and Access Statement has stated that all five dwellings would be 2-storey, L-shaped and 14 by 14m in footprint. The applicant has confirmed that while the dwellings would be 2-storey, the exact scale will be determined at the reserved matters stage as part of the detailed design. Given the character of adjacent residential development the indicative 2-storey dwellings would be in-keeping with the area and, subject to the detailed design and scale, would not have an adverse impact on the appearance of the area.

3. Impact upon residential amenity

No.112 Lower Shelton Road which abuts the north western boundary has raised concern that Plot 2 would cause a loss of amenity and privacy and would create noise and light pollution to no.112. Concerns are also raised that there would be a loss of privacy due to the overlooking of living areas through roof lights in no.112's barn (permission for conversion from milking shed to living accommodation with roof lights in roof slope - not yet implemented). No.112 also states that restrictive covenants have been imposed on Shelton Farm scrapyards in relation to no.112. It should be noted however that this is not a planning consideration.

Plot 2 is indicated on the submitted plan as being approximately 25m from the main house and 10-12m from the former milking parlour. This is considered to be a sufficient distance to restrict an adverse overbearing impact on no.112 with regard to potential overlooking. At this outline stage without design being

determined it is not possible to determine where windows would be located. The plot could be designed, however, so that windows are located so as not to overlook no.112. Light pollution can be controlled to some extent by planning condition and also environmental legislation. Given the existing unrestricted agricultural scrap use, it appears likely that a residential use would see a reduction in the potential for noise pollution.

Plot 1 is the other plot adjacent to existing residential properties on Lower Shelton Road that could potentially harm amenity. The orientation and location of plot 1 a minimum of 11m from the boundaries with Shelton Farmhouse and no.110b indicate that the plot would not adversely harm residential amenity.

An existing large brick barn close to the boundary with Shelton Farmhouse would be demolished as part of the application. This could be considered to be an enhancement to the residential amenity of Shelton Farmhouse given the enclosing, overbearing impact it is currently has.

The resident of no.110 Lower Shelton Road has raised concern that the proposed access between no.110&110a would affect privacy, create noise and traffic and an increase in dust and dirt. The concern regarding privacy is presumably because of the low height of the boundaries wall to no.110&110a which would allow occupants of vehicles to overlook the front parking area and habitable rooms. It is considered that this issue can be overcome by the inclusion of a condition for additional landscaping/boundary treatment. The proposed residential use is likely to reduce traffic generation and the size of vehicles when compared to the existing unrestricted legal use of the site. The proposed access will be hard surfaced therefore dirt and dust will be reduced compared to the existing unmetalled track.

The existing legal use of the site is for the, 'storage, dismantling, breaking, repair, renovation and sale of agricultural machinery, including machinery for ditching drainage, hedge cutting, lifting livestock, transport on trailers together with the sale of parts and equipment, including tyres and oils arising from agricultural machinery. It is not evident whether this use is likely to become active again. However, the use, which has no restrictions on hours or days of use, is not a compatible use in such close proximity to residential properties in a small settlement. The removal of the use would generally have a positive impact on the residential amenity of the area.

4. Ecology

The Phase 1 Habitat Survey found no protected species on site with exception of the use of the barns by barn owls of occasional feeding. A previous walkover survey from 2010 is appended to the end of the report and in it recommendations are made for reptile, bat and great crested newt surveys. The Phase 1 survey has noted that the barns are not suitable for bats but does acknowledge that the habitat is suitable for reptiles. With regards to great crested newts it states that barriers to nearby ponds would prevent great crested newts from using the site however one pond which is 360m away is only separated by arable fields and it is conceivable that great crested newts could utilise the site.

Barn owls use the barns and prior to demolition these should be checked that they are not in use, should any birds be found nesting in the barns then

demolition should wait until nesting is completed. Equally any clearance of trees / scrub should avoid the bird nesting season of March to August inc. Mitigation for the loss of the barns is suggested in the form of a purpose built barn owl loft re-using existing materials, this is the preferred option for mitigation as it will also provide roosting opportunities for bats.

The development proposal includes a substantial amount of open space together with various habitat opportunities including a pond area. This is to be welcomed and would benefit from the inclusion of habitat piles / hibernacula and new native tree / shrub planting together with areas of open grassland managed extensively to provide a tussocky habitat ideal for reptiles, amphibians and hunting barn owls.

5. Open Space

The submitted s106 does not include the provision for public access across the open space which the applicant has stated is due to insurance and safety concerns regarding the safety of the relocated barn and to ensure protection of the new habitat areas. The Council's Ecologist has stated that it is always beneficial to keep people, and especially dogs, off sites which are sensitive, but given that SSSIs often have open access she would not request the restriction of public access on the basis of an adverse impact on wildlife.

It should be noted that the public footpath crosses through the open space so the public will have visual and amenity benefits even if they cannot access the wider open space area. At present the part of the footpath that crosses the site is and walkers use the farm track to the side of the site that rejoins the footpath at the north east corner of the site. The applicant anticipates that any local interest group who wanted access would be given consent to do so. The applicant has confirmed that it is not the intention to define the footpath with fencing or similar.

In this instance given that the open space area would have a level of public access and taking into account the argument to ensure protection of the wildlife areas, it is considered that full unrestricted public access across the space is not necessary.

6. Highway considerations

The Highway Officer has stated:

'The existing has permission for several industrial buildings with hardstanding area with access taken from a field access between properties 110 and 110a (southern access) and an access opposite no 177 (northern access). The proposal is to remove the industrial buildings and areas and replace this with five dwellings and associated works taking access from the southern access. The northern access is to be closed within the site to be used only by Shelton Farm House.

Although this part of Shelton Road is within a 30mph speed limit I have assessed the access not as Manual for Streets with the activity of a high street but as a rural road. Therefore the required visibility splay is 2.4m x 90.0m which takes the splay to the south of the access through third party land. However the applicant has since submitted a revised red line plan (attached to e-mail 05 February 2013 16:16), showing the area of land where the splay goes through to the south as being within their control, which addresses the visibility splay

problem.

The outline proposal is to assess the access and layout. In principle they are both acceptable however the access within the site measures in some places 7.0m and 9.0m wide which is excessive for a development to serve 5 dwellings, where internally the access could be single width with passing places. I have included a condition for further details of the access within the site and leave it at your discretion to include that part of the condition or not'.

The resident of no.110 Lower Shelton Road has raised concern that the proposed access between no.110&110a would affect amenity and proposes that the existing access by Shelton Farmhouse be used. The original access is is however no longer in use and has effectively been stopped-up. The proposed access was granted consent under MB/96/703.

7. S106 Unilateral Undertaking

A viability assessment has been undertaken by the Council's Housing Team which has shown that due to a number of factors, most notably the levels of contamination on the site, the scheme cannot be delivered with the expected planning obligation contributions and affordable housing.

To be financially viable the viability assessment has calculated that the maximum contribution that can be expected is £40,000 with no affordable housing provided on site. Given that the proposed dwellings would be family sized homes it is considered that the education contribution should be met in the first instance (£38,770), to ensure the sustainability of the scheme, with the remaining contribution being a commuted sum for affordable housing.

The legal agreement also includes the provision and ongoing management & maintenance of an open space for wildlife with distinct wildlife habitats.

Recommendation

To authorise the Assistant Director Development Management to issue the grant of PERMISSION subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure -
Contributions towards Education, Affordable Housing and open space with distinct wildlife habitat areas.

- 1 Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**

- appearance
- landscaping, and
- scale

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

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

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 Details of the closure of the northern access between the site boundary and Shelton Farmhouse shall be submitted to and approved in writing by the Local Planning Authority and the access shall be closed in accordance with the approved details before development commences. The access shall thereafter remain closed unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of road safety and for the avoidance of doubt

- 4 Notwithstanding the details shown development shall not begin until details of the junction of the proposed vehicular access with the highway and the internal layout of the accesses have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until the junction and accesses has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 5 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 90.0m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall for the duration of the development remain free of any obstruction to visibility.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.

- 6 Before the premises are occupied the on site vehicular areas shall be constructed and surfaced in a stable and durable material in accordance with details to be approved in writing by the Local Planning Authority for a distance of 11.0m into the site, measured from the highway boundary. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the

highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits .

- 7 The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a vehicular turning area within the curtilage of all premises taking access directly from the public highway.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway

- 8 Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits

- 9 No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority. (HC 31)

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 10 Before development begins, a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom and 2 short stay spaces per unit, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 11 Development shall not commence until a scheme detailing provision for on

site parking for construction workers and deliveries for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off street parking during construction in the interests of road safety.

- 12 Before development commences details of visitor parking spaces calculated at 0.25 of a space per unit shall be submitted to and approved by the local planning authority and the development shall not be brought into use until the visitor parking provision has been constructed in accordance with the approved details

Reason: To provide adequate and safe on site parking provision without obstruction to the free flow

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

a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.

b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils, gas and groundwater sampling.

c) Where shown necessary by the Phase 2 investigation, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

d) On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report.

Any remediation scheme shall be agreed in writing with the local planning authority prior to the commencement of works. Any remediation scheme, as agreed in writing shall be fully implemented before the development hereby permitted is first occupied.

All variations to any remediation scheme shall be agreed in writing with the Local Planning Authority.

Reason: To protect human health and the environment.

- 14 **No works shall commence on site until the Local Planning Authority has agreed in writing the content of a Construction Environmental Management Plan for the proposed development which shall cover noise, vibration and air quality management. Construction and installation of plant and machinery shall proceed in accordance with the approved Plan.**

REASON: To minimise disturbance to the occupants of neighbouring properties during the construction phase of the development.

- 15 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**Reason: To ensure a satisfactory standard of landscaping.
(Policy DM3)**

- 16 The landscaping reserved matters application shall include the following details: all planting of trees and shrubs to include species, sizes, densities and soil preparation, all proposed planting on the wetland/pond area and a tree survey to detail protection distances and care for trees on adjoining land that may be influenced by the proposals.

Reason: To ensure a satisfactory standard of landscaping.
(Policy DM3)

- 17 The existing trees and hedgerows shall be retained and protected in a manner to be approved in writing by the Local Planning Authority and shall not be destroyed, uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees or hedgerows removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced by trees or hedgerow specimens of such size and species as may be agreed with the Local Planning Authority. Such trees or hedgerow specimens shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard existing trees on site.
(Policy DM3).

- 18 **Before development begins, samples of the materials to be used for the external walls and roofs of all new buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building/s.
(Policies DM3).**

- 19 **Before development begins, a scheme for screen fencing and/or screen walling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented**

before the development is first occupied or brought into use and thereafter retained.

**Reason: To safeguard the amenity of the area.
(Policy DM3)**

- 20 **No development approved by this permission shall be commenced until a scheme for foul and surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.**

Reason: To ensure that suitable provision is made for both surface and foul drainage. It is important if mains drainage is being used, to make correct connections and obtain permission from the water company. It is advisable that systems are in place to prevent pollutants arising from development into the wider surface water system, including groundwater below the site.

- 21 **No development shall take place on a phase of the development until there have been submitted to and approved in writing by the Local Planning Authority details for the whole of that phase of the finished ground floor levels of all the buildings to be provided and the ground levels for all outdoor areas. The development of that phase shall be carried out in accordance with the agreed details.**

**Reason: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.
(Policy DM3).**

- 22 **No development shall commence until a management plan for the future maintenance of the open space has been submitted to and agreed in writing by the Local Planning Authority.**

Reason: To ensure the open space is maintained to protect the visual and wildlife amenity of the area.

- 23 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/001, CBC/002 & 11949/300/RevA. .**

Reason: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

Reasons for Granting

The proposed development would not result in a detrimental impact upon either the character or appearance of the area or upon either existing or future residential amenity. The proposal is a departure from Policy DM4 of the Core Strategy and Development Management Policies 2009 but is considered acceptable because of the removal of an unrestricted agricultural scrap use and the associated amenity enhancements the proposal would provide. As such the proposal is considered to be in conformity with Policies DM3 of the Core Strategy and Development Management Policies 2009; The National Planning Policy Framework (2012); Design Guide in Central Bedfordshire (2010).

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The implementation of Sustainable Drainage Systems (SuDS) should be carefully considered, and this approach is encouraged in the National Planning Policy Framework (NPPF). These techniques can be used to minimise pollution impacts and provide a method for attenuating run-off that could otherwise lead to flooding. Such sustainable systems should be designed in accordance with the principles given in CIRIA C967 "The SuDS Manual". Further guidance may be found within CIRIA Report 156 "Infiltration Drainage - Manual of good practice" and the "Interim Code of Practice for Sustainable Drainage Systems". These documents are available on CIRIA's website at: www.ciria.org 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.

The applicant's attention is drawn to DETR Circular 03/99 which requires an applicant to demonstrate that a connection to the public foul sewer is not available. In the eventuality of a connection to the public foul water sewer not being available, the suitability of any non-mains sewerage systems, particularly those incorporating septic tanks, must be effectively demonstrated by the applicant to the satisfaction of the Local Planning Authority. An acceptable method of foul water drainage/ trade effluent disposal would be a discharge to the public foul sewer with the prior written approval of the statutory undertaker. Any 'non mains' foul water drainage system will require the prior written Consent of the Environment Agency under the terms of the Water Resources Act 1991. Such consent may not be

forthcoming.

Any facilities, above ground, for the storage of oils, fuels or chemicals must be provided with adequate, durable secondary containment to prevent the escape of pollutants. The volume of the secondary containment must be at least equivalent to the capacity of the tank plus 10%. If there is more than one oil storage tank in the facility, the secondary containment must be capable of storing 110% of the biggest tank's capacity or 25% of the total capacity of all the tanks, whichever is greater. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets must be directed into the bund. Associated pipework should be located above ground and protected from accidental damage. The drainage system of the bund must be sealed with no discharge to any watercourse, land or underground strata. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site occupiers intending to purchase or install pollutant secondary containment (bunding) should ensure that the materials are not vulnerable to premature structural failure in the event of a fire in the vicinity. Further guidance can be found on the Environment Agency's website at: www.environment-agency.gov.uk/osr