

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

That the application be approved, subject to the completion of an Agreement under S106 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.

- 24 Notwithstanding the details shown on drawing no. 11949/300/Rev A, precise details of siting and layout for each plot shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the Local Planning Authority has control over the layout of the development.

- 25 No development shall commence until a scheme for the relocation, repair and conversion to wildlife habitat of the timber barn has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the Local Authority has control over the appearance of the development.

- 26 The relocated timber-framed barn indicated on the area of open space on drawing no. 11949/300/Rev A shall only be used as a wildlife habitat ancillary to the use of the open space for wildlife/ecological purposes.

Reason: To ensure that the Local Authority has control over the use of the building.

- 27 The area of open space indicated on drawing no. 11949/300/Rev A shall only be used for wildlife/ecological purposes and no other.

Reason: To ensure that the Local Authority has control over the use of the

land.

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, which ever 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 (bundling) 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

NOTE

- (1) In advance of the consideration of the application the Committee were advised of additional consultation received.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.