

## **Item No. 12**

<b>APPLICATION NUMBER</b>	<b>CB/13/00921/OUT</b>
<b>LOCATION</b>	<b>Land On The East Side Of, Biggleswade Road, Potton</b>
<b>PROPOSAL</b>	<b>Outline Application: mixed use development comprising up to 151 dwellings, employment premises, site for community hall, open space and new access (all matters reserved)</b>
<b>PARISH</b>	<b>Potton</b>
<b>WARD</b>	<b>Potton</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Gurney &amp; Zerny</b>
<b>CASE OFFICER</b>	<b>Nikolas Smith</b>
<b>DATE REGISTERED</b>	<b>21 March 2013</b>
<b>EXPIRY DATE</b>	<b>20 June 2013</b>
<b>APPLICANT</b>	<b>Potton Enterprises Ltd Linxcroft Leach Partnership</b>
<b>AGENT</b>	<b>D H Barford</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>This application was called to Committee by Cllr Zerny because of concerns over the proposed road layout.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Grant subject to conditions and a s106 agreement</b>

### **Reason that the application is recommended for approval:**

The principle of the development would be acceptable and subject to the detail contained within applications for Reserved Matters and the approval of details pursuant to planning conditions, the development would cause no harm to the appearance of the site or the wider area, would cause no harm to living conditions at neighbouring properties, would cause no harm to the safe and free flow of traffic, would cause no harm to local landscape, ecological or heritage assets, would result in acceptable standards of living accommodation, would meet local employment, community and recreational need and would mitigate its impact on existing local infrastructure. It would be in accordance with the objectives of the National Planning Policy Framework (2012), the Central Bedfordshire Core Strategy and Development Management Policies (2009), Design in Central Bedfordshire (a guide for development), the adopted Development Brief for the site (2012) and Appendix F (parking Strategy) of the Central Bedfordshire Transport Plan (2012).

### **Planning Policy Context**

This site is allocated by Policy MA5 of the Site Allocations Development Plan Document for a mixed use development providing a minimum of 150 dwellings, approximately 1ha of B1 employment land, a community hall and an extension to the existing sports ground.

In addition, development would be subject to the following:

- The production of a development brief.

- The provision of a roundabout on Biggleswade Road.
- Provision of flexible employment units.
- Provision of multifunctional green space with biodiversity enhancements.
- Control of surface water drainage.
- Provision of an access to the existing recreation ground.
- Provision of sufficient foul sewer and wastewater treatment capacity.
- A buffer zone to protect future occupiers from odour.
- The preparation of a Transport Assessment.

In September 2012, a Development Brief was adopted as technical guidance for planning purposes by the Council.

### **Site Location:**

The site is located around 0.4km to the South of Potton Town Centre and to the East of Biggleswade Road. It has an area of approximately 7.4ha and is broadly rectangular in shape. The site slopes towards the South. Most of the trees at the site are protected by Preservation Orders and a dense hedge runs North to South through the site around 100m in from the Western boundary with Biggleswade Road.

The Western boundary of the site with Biggleswade Road is currently demarked by established planting that becomes less dense towards the North of the site. To the North East of the site is a petrol filling station. The Northern boundary of the site abuts rear gardens of houses on Blackbird Street and Horne Lane. Residential development is underway between the North East corner of the site and Braybrooks Drive. That development includes a road linking with Sheepwalk Close to the East. To the South West of the site are No's 81 and 83 Biggleswade Road. A tall, mature conifer hedge separates those houses from the site. To the South of the site is the Hollow sports ground. Potton Brook demarks the Eastern edge of the site and a line of conifers on its Western side. Beyond the brook is Potton Wood.

An area to the East of the site falls within the Environment Agency's Flood Zone 3. Potton Sewerage Treatment Plan is to the South of the site.

### **The Application:**

Outline planning permission (with all matters reserved) is sought for the erection of up to 151 dwellings, around 1ha of B1 employment floor space, a community building and public amenity space. If Outline permission was granted, subsequent applications for Reserved Matters (scale, appearance, layout, access and design) would need to be submitted to and approved in writing by the Local Planning Authority prior to development commencing at the site.

If planning permission was granted for this application, it would be subject to a s106 agreement, the details of which are set out later in this report.

### **Relevant Policies:**

#### National Policy

National Planning Policy Framework (2012)

## Local Policy

Central Bedfordshire Core Strategy and Development Management Policies (2009)

CS2	Developer Contributions
CS3	Healthy and Sustainable Communities
CS4	Linking Communities – Accessibility and Transport
CS5	Providing Homes
CS7	Affordable Housing
CS9	Providing Jobs
CS13	Climate Change
CS14	High Quality Development
CS17	Green Infrastructure
DM1	Renewable Energy
DM2	Sustainable Construction of New Buildings
DM3	High Quality Development
DM4	Development Within and Beyond Settlement Envelopes
DM9	Providing a Range of Transport
DM10	Housing Mix
DM15	Biodiversity

Site Allocations (North) Development Plan Document (2011)

Planning Obligations Supplementary Planning Document (2009)

Design in Central Bedfordshire (a guide for development) (2010)

Appendix F (Parking Strategy) Central Bedfordshire Transport Plan (2012)

### Site Specific Technical Guidance

Development Brief for Residential and Employment Mixed-use Development with Access, Open Space and Community Hall at Land East of Biggleswade Road, Potton

### **Planning History:**

There is no recent, relevant planning history at the site.

### **Representations:**

Town Council

The Town Council has the following comments and concerns:

- Questions the need for industrial units, their relationship with proposed houses, the layout of the commercial area and the level of car parking proposed
- The pedestrian link to the town should be nearer to Biggleswade Road
- There should be a pedestrian crossing on Biggleswade Road

- The Town Council supports the principle of a new community building in Potton but would not want to be involved in the process of developing it

## Neighbours

9 letters of objection were received, commenting as follows:

- Parking should be provided on Biggleswade Road
- 151 units cannot be accommodated at the site without causing harm to neighbours and so the principle is not sound
- The traffic situation would not be acceptable
- Shared surfaces within the site could be dangerous
- Access to the site would be unsafe and would result in the loss of hedgerow
- There is inadequate infrastructure in Potton
- There is a risk of flooding
- There would be harm to ecology
- There is no need for the development
- There would be noise and air pollution
- There would be problems with sewerage

12 letters of support were received, commenting as follows:

- The development will bring benefits to Potton
- Provision should be made for adequate on-plot parking and care should be taken to protect neighbouring living conditions
- s106 monies should be directed towards the 'Hall for All'
- Flood and the relationship with neighbours should be properly considered
- Light pollution should be considered
- There should be a lay-by for residents who live on Biggleswade Road
- The roundabout should act as a traffic calming tool
- There should be provision for cyclists and horse riders
- Pedestrian access to the town should be improved

## Consultee responses:

Trees Officer	No objection subject to conditions
Landscape Officer	No objection subject to conditions
BRCC Green Infrastructure	No objection

Internal Drainage Board	No objection subject to condition
Sustainable Transport	No objection subject to conditions and s106 contribution
Land Quality	No objection subject to condition
Public protection	No objection subject to conditions
Archaeology	No objection subject to conditions
Environment Agency	No objection subject to conditions
Rights of Way Officer	No objection subject to conditions and s106 contribution

### **Determining Issues:**

The considerations in the determination of this application are:

1. The principle of the development
2. The appearance of the site
3. The impact on neighbours
4. Traffic and parking
5. Landscaping and ecology
6. Rights of way
7. Living conditions for future occupiers
8. Archaeology
9. Flood risk and drainage
10. Planning obligations

### **Considerations:**

1. Principle

#### Residential use

The site was allocated for a minimum of 150 dwellings. Since the allocation the Council has introduced new car parking standards and it is clear from the submitted indicative site layout that these have impacted on the ability of the site to accommodate more than 151 units. The indicative layout will be described later in the report but a condition would ensure that no more than 151 units were built at the site. The indicative layout shows that 4.4ha of land at the site would be used for residential development. If 151 units were proposed, they would be built at a density of 34.3dph, which would be around the Council's suggested range of 35-45dph for development in an area like this.

#### Employment use

The accompanying s106 agreement would require that 1ha at the site would be safeguarded for B1 employment use. This would help to achieve the vibrant, mix of uses that are the aspiration of new developments on sites like this one.

### Community hall use

The s106 agreement would require the transfer of at least 0.52ha of serviced land at the site to the Council for the development of a Community Hall. This would help to achieve the local aspiration of the provision of a new, multi-purpose and modern local community building.

### Open Space use

The s106 agreement would require that at least 1.48ha of land at the site be transferred to the Town Council for use as public open space. A commuted sum would be paid to ensure that it could be properly maintained. This would help to ensure the current and future Potton residents were able to enjoy additional open space in a location that would complement the existing sports ground to the South.

The principle of the proposed mix of uses was established when the site was allocated for development and it was reinforced when the Development Brief was adopted and would be acceptable.

## 2. Appearance and layout

This is an Outline planning application with all matters reserved for subsequent approval and so the appearance and layout at the site are not for consideration now. An indicative layout has been submitted in order to seek to demonstrate that the amount of development proposed can be accommodated at the site but it need not be relied upon going forward. The Council would not be committing to accept the indicative layout by approving the application. Whilst for the most part, the indicative layout would be acceptable, there are problems with it. These include the relationship between Plot 112 and No 10 Horne Lane and the positioning of units to the South of the prescribed odour contour. It may be that the mix or number of units proposed at Reserved Matters stage would be different so as to result in an acceptable layout but it is clearly the case that an acceptable development of up to 151 units could be accommodated at the site.

The applicant is required to set scale parameters for the development at outline stage. They have set out that residential development would be largely 2 storeys with elements of single and two and a half storeys and that dwellings would be arranged as detached, semi-detached, terraced and flatted housing. These would be generally characteristic of existing development in Potton.

A condition would control materials at the development.

## 3. Neighbours

This is an Outline planning application and so the layout, and its impact on neighbours would be assessed at Reserved Matters stage. It is clear from the submitted indicative layout that a development of the scale proposed could be accommodated without causing unacceptable harm to living conditions at neighbouring properties. The relationship between Plot 112 and 10 Horne Lane would not be an acceptable one but it is conceivable that the layout could be satisfactorily amended so as to address this.

A condition would control boundary treatment and that would be especially important along the Northern edge of the site.

Conditions could be attached to an approval of Reserved Matters for the Community Building at the site, depending on the uses proposed and the size and location of that development so as to protect living conditions for existing occupiers from noise and disturbance.

#### 4. Traffic

This is an outline planning application and so details of access to and within the site and car and cycle parking would be considered at Reserved Matters stage. An indicative plan showing access to the site (comprising a roundabout on Biggleswade Road) has been submitted and it demonstrates that safe access can be provided to the site.

A traffic assessment has been submitted that demonstrates to the satisfaction of officers that the development would not place undue pressure on the local highways network subject to the following works, that would be secured by condition:

- The carriageway would be reduced to 5.5m in width along the site and petrol filling station frontage so as to reduce speed.
- The introduction of a footpath on the Eastern side of Biggleswade Road along the boundary with the site and the petrol filling station.
- The realignment of the bend on the South East corner of the junction with Station Road with the inclusion of a refuge to accommodate car parking.
- The replacement of the traffic island on Station Road with a T junction and crossing point in front of the public house and a zebra crossing across Station Road.

The submitted Traffic Assessment demonstrates that the impact on roundabouts in Biggleswade would not be sufficient to warrant contributions towards those infrastructure projects.

#### 5. Landscape and ecology

There are a number of protected trees at the site, which would be retained. A condition would ensure that they were properly protected during construction. The hedge that runs between the North and South of the site makes an important aesthetic and ecological contribution at the site and it would be retained. A condition would secure details of its long-term management and maintenance.

An ecological report submitted with the application highlighted a lizard presence at the site and a condition would require details of their proper relocation in advance of development commencing at the site.

A condition would require full details of hard and soft landscaping at the site.

#### 6. Rights of Way

The site presents valuable opportunities in terms of improving local connectivity and a pedestrian link between the site and the Hollow Recreation Ground would be secured by condition.

A number of consultation responses have highlighted a desire for a pedestrian link to be established between the North East corner of the site and the town. Certainly, access between the town and the proposed open space and community building and the existing sports ground to the South would be advantageous.

A link to the North Eastern corner of the site would be secured by condition. At the current time, the applicant is not in a position to propose a public right of way between the edge of the site and Sheepwalk Close because it involves land outside of their ownership. However, once the development under construction to the North East of the site is completed, a legal right of way between the edge of the site and Sheepwalk Close will exist for owners and occupiers at most of the site (broadly, those to the East of the hedge running through the site and including the Town Council as owners of the open space and the Council as owners of the Community building land). Owners or occupiers would be able to authorise anybody to use the private right. Whilst in practice, this situation could be acceptable, it is less desirable than a public right of way over the land being established. As such, a contribution would be secured through a s106 agreement that would allow the Council to seek to secure a public right over time. The Council's Rights of Way Officer is satisfied with these proposals.

## 7. Living conditions

Details of internal living spaces and rear gardens would be considered at Reserved Matters stage.

The proximity of the site to the Treatment Plant to the South has resulted in an odour contour that has been agreed with Anglian Water. A condition would ensure that no residential units were built below it. Conditions would ensure that deliveries and activities associated with the commercial development at the site did not cause harm to living conditions and a condition would ensure that houses were protected from light pollution from the sports ground to the South and from road traffic noise.

Conditions could be attached to an approval of Reserved Matters for the Community Building at the site, depending on the uses proposed and the size and location of that development to protect future occupiers from noise and disturbance.

The provision of play space within the site and the transfer of 1.48ha of open space to the Town Council would be secured through condition and the s106 agreement.

## 8. Archaeology

A Written Scheme of Archaeological Investigation was submitted with the application and the Council's Archaeologist is satisfied that subject to conditions, no harm would be caused to local heritage assets at the site.



9. Flood risk and drainage

Part of the site falls within the Environment Agency's Flood Zone 3 but it is satisfied that subject to conditions, there would be no significant risk associated with this. Site drainage would also be controlled by condition.

10. Planning obligations

35% of the dwellings at the site would be affordable and that the tenure and unit mix would be assessed at Reserved Matters stage.

Planning obligations would be secured by a s106 agreement and would be made in accordance with the Council's Planning Obligations Supplementary Planning Guidance.

Normally, s106 contributions would be allocated to various spending areas, each seeking to mitigate a particular impact that a development would have on existing local infrastructure.

The spending areas, and the proposed contribution are set out in the table below:

Education	£479,991 (currently being negotiated)
Sustainable Transport	£70,517
Healthcare	£181,200
Leisure, Recreational Open Space and Green Infrastructure	£385,956
Community Facilities and Services	£77,916
Community Cohesion	£2,896
Waste Management	£6,946
Emergency Services	£31,257
Public Realm and Community Safety	£33,371
Total	£1,270,050

A local group called the Hall for All Committee have asked the Council to consider allocating a proportion of the s106 contributions made by this development towards the building of a Community building on the land that would be allocated for that building and transferred to the Council. The group sets out that there is a local aspiration for a new multi-use hall but it has not been realised because of an inability to find a site.

The group has carried out local consultation, which they say has established that there is significant local support for the project. The Town Council has been clear that whilst it would not look to become directly involved in the project, it supports it in principle.

The Committee have commissioned a feasibility study that it says established that a hall in this location could be viable over time.

The group's initial costings estimate that the building will cost £1.5m and in order

for the aspiration to be realised, a large amount of that total would need to be raised through the diversion of s106 funds.

The reallocation of an education contribution or a sustainable transport contribution (cycle route provision in and around Potton is a priority) would not be supported but the reallocation of other contributions made by this development would be supported because of the exceptional circumstances presented by this opportunity to realise local and policy aspirations. These would total £719,542.

The Council would be protected in two ways. Firstly, it would not release any funds to the project before being satisfied that the development was properly costed, realistic and viable. It would need to be demonstrated that if funds were released, the building would be built. Secondly, in the event that the scheme did not progress for any reason, funds would be allocated back to their original spending areas after a prescribed amount of time. The Council would, it is envisaged, maintain ownership of the site and lease it to the Committee or to another similar body.

If successful, such an arrangement could result in a modern, multi-purpose facility for current Potton residents and those who would be new to the area as a result of the development at the site.

### **Recommendation:**

That Outline Planning Permission is granted for the development subject to conditions and a s106 agreement and that the Committee support the principle of allocating s106 funding towards the provision of a new community building in Potton subject to the safeguards set out in this report.

### **Conditions:**

- 1 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission. The development shall begin not later than two years from the date of the approval of the final 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.

- 2 **No development shall commence at the site before the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**
  - access
  - appearance
  - landscaping
  - layout; and
  - scale,

**Reason: To comply with Article 4 of the Town and Country Planning**

**(Development Management Procedure) (England) Order 2010.**

- 3 No development shall commence at the site before a phasing plan has been submitted to and approved in writing by the Local Planning Authority. Applications for reserved matters and for the approval of details pursuant to a planning condition shall be made with reference to the relevant phase as shown on the phasing plan.**

**Reason: To ensure that different elements of the development can come forward at the appropriate time.**

- 4 No development shall commence at a phase before details of materials to be used in the external construction of the buildings at that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that the appearance of the development would be acceptable.**

- 5 No development shall commence at a phase before details of boundary treatment to be used at that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and shall be completed before any buildings at the phase are first brought in to use.**

**Reason: To ensure that the appearance of the development and living conditions for future occupiers would be acceptable.**

- 6 No development shall commence at a phase before details of hard and soft landscaping for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and shall be completed before any buildings at the phase are first brought in to use.**

**Reason: To ensure that the appearance of the development would be acceptable.**

- 7 No development shall commence at a phase before a Landscape Maintenance and Management Plan for a period of ten years from the date of submission for that phase has been submitted to and approved in writing by the Local Planning Authority. The landscaping shall be maintained and managed in accordance with the approved plan.**

**Reason: To ensure that the appearance of the site would be acceptable.**

- 8 No development shall commence at a phase before details of protection of retained trees and/or hedges during construction at that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that trees at the site are properly protected.**

- 9 **No development shall commence at the site before a scheme for the management and maintenance of the existing hedgerow running between the North and South of the site for a period of ten years has been submitted to and approved in writing by the Local Planning Authority. The plan shall address the role of the hedge as a bat flightpath and shall be carried out as approved.**

**Reason: To ensure that landscaping and ecology at the site are properly protected.**

- 10 **No development shall commence at the site before a Lizard Translocation Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that no harm is caused to local ecology.**

- 11 **No development shall commence at the site before details of pedestrian routes within the site to its boundaries to the Northeast (Sheepwalk Close) and South (the Hollow Recreation Ground) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved in accordance with a timetable submitted to and approved in writing by the Local Planning Authority and shall permanently retained and kept clear of obstruction thereafter,**

**Reason: To ensure that there are acceptable links between the site and near by facilities.**

- 12 **No development shall commence at a phase before details of existing and proposed site and slab levels and proposed cross sections between the phase and neighbouring buildings that shall be agreed in writing beforehand at that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: To ensure that the appearance of the site would be acceptable and that no harm would be caused to living conditions at neighbouring properties.**

- 13 **No development shall commence at the site before a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include details of:**

- **Predicted travel to and from the site by mode.**
- **Details of existing and proposed travel provision in the vicinity of the site, to specifically include linkages to, standard of and any specific issues related to pedestrian, cycle and public transport wider networks.**
- **Outcome based targets to reduce private car use that are**

realistic, reflect the site context and are informed by the local travel data. They may focus on a particular journey purpose, mode or user group.

- Proposed Initiatives to achieve the reduction in private car use and facilitate walking, cycling and use of public transport (to include infrastructure, information and incentives).
- Details of the timescale for appointment, funding and responsibilities of a Travel Plan Coordinator for the site.
- Timetable for implementation of proposed measures and achievement of targets.
- Plans for annual travel monitoring (where, how what), review of information obtained, mechanisms and funding available to implement any actions required. This needs to be carried out for a period of 5 years after which the obligation will be reviewed by the planning authority, taking account of the progress made towards targets.
- Details of provision of cycle parking in accordance with Central Bedfordshire guidelines.
- Uploading of information in the Travel Plan to iOnTRAVEL, Central Bedfordshire's travel plan management tool.

No part of the development shall be occupied prior to implementation of those parts identified in the Travel Plan as capable of being implemented prior to occupation. Those parts of the approved travel plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interest of sustainable transport.

- 14 No development shall commence at the site before 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. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. 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, and shall also include:

- Full storm event simulation results with appropriate inputs and parameters demonstrating the surface water runoff rates for the Q<sub>BAR</sub>, Q<sub>30</sub>, Q<sub>100</sub> and Q<sub>100</sub> plus climate change storm events, of the critical storm season and duration;
- The results of all infiltration rate testing should be submitted, including a plan to show the location of each test pit;
- Full results of proposed drainage system modelling in the above-

referenced storm events, inclusive of all collection, conveyance, storage, flow control and 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;
- 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;
- Full details of the maintenance and/or adoption of the system inclusive of all collection, conveyance, storage, flow control and disposal elements.
- Details of peak seasonal groundwater levels at proposed soakaway locations, as well as details of finished levels of the proposed soakaways, in relation to peak seasonal groundwater levels.

**Reason:** To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these. To protect and prevent the pollution of controlled waters (particularly the underlying Principal and Secondary aquifers, EU Water Framework Directive drinking water protected area and the Potton Brook) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements G1 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

- 15 **No development shall commence at the site before a full & detailed scheme for the provision and implementation of foul and surface water drainage and pollution control has been submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans in order to ensure a satisfactory method of foul and surface water drainage and pollution control.**

**Reason:** To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these. To protect and prevent the pollution of controlled waters (particularly the underlying Principal and Secondary aquifers, EU Water Framework Directive drinking water protected area and the Potton Brook) in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection (GP3:2012) position statements G1 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed

**infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.**

- 16 **No development shall take place at a phase that includes a residential use before a scheme to protect future occupiers at the dwellings within that phase from road traffic noise and noise associated with the neighbouring petrol filling station has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved prior to the occupation of any residential unit within that phase.**

**Reason: To protect living conditions at neighbouring properties.**

- 17 Deliveries to non-residential buildings at the site shall not take place outside of 0800 and 1800 Monday to Saturday and shall not take place at all on Sundays or Bank Holidays.

Reason: To protect living conditions for future occupiers.

- 18 Noise resulting from the use of the plant, machinery or equipment at each industrial unit shall not exceed a level of 5dBA() below the existing background level (or 10dB below if there is a tonal quality or distinguishable characteristics) when measured according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: To protect living conditions at neighbouring properties.

- 19 **No development shall take place at a phase that includes a residential use before details of a scheme to protect future occupiers from light associated with the Hollow Recreation Ground has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved prior to the occupation of any residential unit at the phase.**

**Reason: To protect living conditions for future occupiers.**

- 20 No residential development shall take place where the provision of a residential unit or its curtilage (Including the garden) is situated within the 1.5 ouEe/m<sup>3</sup> contour plot as indicated on Drawing Number 11.7082SK10 dated February 2013.

Reason: To protect living conditions for future occupiers.

- 21 **No development shall take place at the site before a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved scheme.**

**Reason: To protect local heritage assets.**

- 22 **No development shall take place at the site before a Written Scheme of Building Recording for the warden's post at the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.**

**Reason: To protect local heritage assets.**

- 23 No dwelling shall be occupied at the site before a watching brief sign-off report has been submitted to and approved in writing by the Local Planning Authority. The Brief shall demonstrate that no contamination was suspected or discovered during earthworks or development and shall have been produced by a qualified Environmental Specialist. The Brief shall include photographs and contemporaneous notes along with samples, where necessary and particular attention shall be paid to the general vicinity of the adjacent petrol filling station.

Reason: To protect human health and the environment.

- 24 **No development shall commence at any phase before details of how renewable and low carbon energy sources would generate 10% of the energy needs of that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

**Reason: In the interests of sustainability.**

- 25 **No development shall commence at a phase including residential units before details of the layout of play space at that phase including the type of equipment to be included and a maintenance plan have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved in advance of the occupation of any residential units at that phase.**

**Reason: To ensure that the standard of accommodation at the site would be acceptable.**

- 26 There shall be no more than 151 units at the site.

Reason: To ensure that the site is not overdeveloped.

- 27 **No development shall commence at a phase before detailed plans and sections of the proposed internal estate roads, including gradients and method of surface water disposal relating to that phase have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied at that phase before the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**

**Reason: To ensure that the proposed roadworks are constructed to an**



adequate standard.

- 28 **No development shall commence at the site before full engineering details of the roundabout junction arrangements and other off-site highway works to provide a continuous footway link to the town centre and suitable pedestrian crossings shown for indicative purposes on plans H001 and M-274P have been submitted to and approved by the Local Planning Authority and no building approved under any subsequent reserved matters application shall be brought into use until such time as the agreed works have been implemented.**

**Reason: To ensure the provision of appropriate access arrangements and associated off-site highway works in the interests of highway safety.**

- 29 This permission shall not extend to the layout and associated engineering details submitted in support of the application. All highway related development submitted for reserved matters approval shall be designed in accordance with the criteria laid out in Design in Central Bedfordshire Design Supplement & Movement, Streets and Places or any amendments thereto.

Reason: For the avoidance of doubt.

- 30 **No development shall commence at the site before details of a scheme detailing access provision to and from the site for construction traffic and what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work as approved.**

**Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.**

- 31 **No development shall commence at the site before 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 as approved.**

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

- 32 **No development shall commence at the site before 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.**

**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.**

- 33 Before the new accesses are first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the highway works approved under any reserved matters application shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 34 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers M-274/P, 11.7082.SK10, 11.7082.SK11, H001, Planning, Design and Access Statement, Survey Sheet 1, Survey Sheet 2 of 2, Flood Risk Assessment prepared by MTC dated February 2013, Tree Survey and Constraints Plan prepared by Hayden's revised July 2012, Industrial Development Land report prepared by Barford and Co dated February 2013, Ecological Appraisal and protected Species report prepared by Green Environmental Consultants updated August 2013, Archaeological Field Evaluation and Heritage Asset Assessment prepared by Albion dated August 2012, Geo-Environmental Investigation prepared by MTC dated January 2012, Draft Framework Travel Plan prepared by SLR dated February 2013, Services Report prepared by MTC dated June 2012 and Transport Assessment prepared by SLR dated February 2013, except in the case of drawing numbers 11.7082.SK10, 11.7082.SK11, H001, which are indicative.

Reason: For the avoidance of doubt.

## **Notes to Applicant**

### **1. Waste**

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;

treated materials can be transferred between sites as part of a hub and cluster project;

some naturally occurring clean material can be transferred directly between sites.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

Duty of Care Regulations 1991;

Hazardous Waste (England and Wales) Regulations 2005;

Environmental Permitting (England and Wales) Regulations 2010;  
The Waste (England and Wales) Regulations 2011.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, including in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' for waste to be removed from site, and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

## 2. Sustainable Drainage Systems (SuDS)

The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels, which have yet to be ascertained. We consider that deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction). Deep soakaways increase the risk of groundwater pollution. See our Groundwater Protection GP3(2012) documents, particularly G9, for further information.

## 3. General

How we classify groundwater bodies within England and Wales changed in response to the Water Framework Directive and related UK enabling legislation. A summary of the changes can be found at <http://www.environment-agency.gov.uk/homeandleisure/117020.aspx>, with the new maps available on the "What's in my Backyard" section of our website.

Please also see our advice to the LPA on land contamination and related surface water drainage and foundation solutions and our technical comments on the submitted reports.

We recommend that developers should:

1. Refer to our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;
2. Refer to our **NEW** "Groundwater Protection: Principles and practice (GP3:2012 v1)" documents including waste management, land contamination, drainage and effluent drainage (<http://www.environment-agency.gov.uk/research/library/publications/144346.aspx>);
3. Refer to our 'Position Statement on the Definition of Waste: Development

Industry Code of Practice’;  
4. Refer to our “Technical Aspects of Site Investigations” Technical Report P5-065/TR;  
5. Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

4. The applicant is advised that in order to comply with this permission and implement any reserved matters development 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 Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
5. 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, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
6. The applicant is advised that as a result of the reserved matters development, new highway street lighting will be required and the applicant must contact the Development Control Group, Development Management Division, 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.
7. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the reserved matters estate roads as highways 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 Control Group, Development Management Division, 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.
8. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developer’s expense to account for extra surface water generated. Any improvements

must be approved by the Development Control Group, Development Management Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

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

The Council acted pro-actively through positive engagement with the applicant during the determination process and engaged with the applicant at the pre-application stage 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.

**DECISION**

.....  
.....  
.....  
.....