

Item No. 12

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

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).

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.

- 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 QBAR, Q30, Q100 and Q100 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/m3 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 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.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were informed of the following:
 - a. Additional representation from the Potton Hall for All Committee.
 - b. Conditions 15 and 20 would be amended, as detailed in the Late Sheet and as above.
 - c. An additional condition 34 had been added above and the original condition 34 had been renumbered 35.]