

Item No. 7

APPLICATION NUMBER	CB/14/02084/OUT
LOCATION	Marston Park North, Marston Moretaine, Bedford, MK43 0LE
PROPOSAL	Outline Planning Permission with all matters reserved : Development of up to 50 dwellings (falling within use class C3) circa 1.23 hectares of employment related development for uses falling in use classes B1, D1 and D2; a local centre of circa 0.13 hectares to include a range of retail and commercial uses falling within use classes A1/A2/A3/A4/A5, 0.3 hectares of school playing field land; associated infrastructure including the principle of access from gold furlong (the primary street serving the existing Marston Park development), and its approved access road spur; internal access roads, pedestrian footpaths and cycle routes including improvements to the pedestrian connection linking through to Stewartby Lake, car and cycle parking, utilities and drainage, landscape works and ground remodelling.
PARISH	Marston Moretaine
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Bastable, Matthews & Mrs Clark
CASE OFFICER	Annabel Robinson
DATE REGISTERED	30 May 2014
EXPIRY DATE	29 August 2014
APPLICANT	O&H Q7 Limited
AGENT	David Lock Associates
REASON FOR COMMITTEE TO DETERMINE	The application is a major and there is an objection from the parish council
RECOMMENDED DECISION	Outline Application - Approve

Summary of Recommendation:

The site is considered acceptable as it accords with national and local planning policy documents. Although the site was allocated for commercial development, it is considered that a range of uses on this site would be considered a sustainable form of development. No significant harm would be caused to living conditions of future or adjacent neighbouring properties. It is considered that this scheme would form an associated development to the existing housing estate known as "Marston Park". The development is in accordance with policies CS2, CS7, DM3, DM4 of Central Bedfordshire Core Strategy and Development Management Policy Document, in

addition to this it is considered this would result in a sustainable form of development in accordance with the National Planning Policy Framework.

Site Location:

The site lies to the east of the village of Marston Moretaine. Along its western boundaries it adjoins existing residential areas off Bedford Road and Station Road. It adjoins the Marston Vale Millennium Country Park and Forest Centre to the east/southeast. To the northeast is Anglian Water sewage treatment works. The site area totals some 3.52 hectares and consists of an open field. The site forms part of the larger development known as Marston Park. Marston Park was consented for 480 dwellings, 3 hectares of B1 office land, a lower school, a community building, A1 facility, and associated infrastructure. This site forms the north east corner of the site, originally approved for B1 office use.

The site lies within the Settlement Envelope of Marston Moretaine and is allocated for mixed use in the Local Plan First Review, Policy H08(3A). The Council's Executive adopted a Development Brief in November 2005 to guide the future development of the site and the Council's consideration of planning applications, the development is accompanied by a Design Code.

The Application:

Outline planning permission is sought for the following:

Development of up to 50 dwellings (falling within use class C3) circa 1.23 hectares of employment related development for uses falling in use classes B1, D1 and D2; a local centre of circa 0.13 hectares to include a range of retail and commercial uses falling within use classes A1/A2/A3/A4/A5, 0.3 hectares of school playing field land; associated infrastructure including the principle of access from gold furlong (the primary street serving the existing Marston Park development), and its approved access road spur; internal access roads, pedestrian footpaths and cycle routes including improvements to the pedestrian connection linking through to Stewartby Lake, car and cycle parking, utilities and drainage, landscape works and ground remodelling.

All matters are reserved, the description includes the principle of using the approved spur road off Gold Furlong to access the site, however no details are provided of how this would be accommodated. Access, Landscape, Scale, Layout, and Appearance would be Reserved Matters.

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
DM14	Landscape and Woodland
DM15	Biodiversity
DM17	Accessible Green spaces

Site Allocations (North) Development Plan Document (2011)

Planning Obligations Supplementary Planning Document (2009)

Design in Central Bedfordshire (a guide for development) (2014)

Marston Park Design Code

Relevant Planning History:

MB/06/00593/OUT - Outline: Mixed use development comprising approximately 480 dwellings, 3 hectares of B1 employment use, primary school, local centre, community sports hall and other engineering operations (all matters reserved except means of access). - Granted

CB/11/01708/REN - Renewal of Planning Permission: Application MB/06/00593/OUT dated 07/10/2008. Mixed use development comprising approximately 480 dwelling, 3 hectares of B1 employment use, primary school, local centre, community sports hall and other engineering operations. - Granted

Consultation responses:

Neighbours were written to and press and site notices were published. The responses are summarised below:

Marston Moretaine Parish Council	The Core Strategy & Development Management Framework identifies Marston Moretaine as a minor service centre and any development is expected to make provision for employment. Surrendering employment land which has been previously identified and received planning approval continually undermines the planning
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process.

It has to be recognised that marketing of this site was undertaken in a time of national recession. Given the recent upturn in the economic climate the Parish Council believes that the requirement for employment areas will improve. Together with impending improvements to broadband facilities in the village the Parish Council feels that now is the time to take a fresh approach towards marketing strategies together with a re-investigation of classes.

The Core Strategy & Development Management Framework states that any new housing allocation be limited to 100 dwellings. Application CB/12/0445/OUT granted permission for 125 dwellings at Moretaine Farm. The developer is currently undertaking community engagement for the development of the remaining land at this site which could see a further estimated 320 homes being constructed. Given this information, the Parish Council strongly believes that housing allocation for the village has more than been accommodated and as such objections to the proposal for up to 50 dwellings in this application.

Whilst it is accepted that the cordon sanitaire has been redefined due to improvements in assessment ability, the Parish Council would like to point out that this does not alter the reality of the proximity of the STW to the development site and any odour emanating from it.

It is therefore the Parish Council's wish that the application be refused.

Neighbours

2 residents have objected:

24 Watson Way, Marston (consolidation of 2 letters):

1. Planned road is too close to the bridge.
2. Planned access road has potential to create unwanted noise levels at all times of the day. Road should be constructed further along the main access road, i.e as far away as possible from Watson Way
3. Three storey level buildings will not enhance the general aesthetics of the design in its full form.
3. It is not clear that a full flood plain evaluation has been undertaken. Properties in Watson Way are within the

designated flood plain and it is questionable that concretising this area of land will be well drained by pipe work with drainage into Stewartby Lake. Recent heavy rainfalls resulted in localised flooding within the country park together with significant rising in water levels in the lake. What guarantees are there that the development will not create flood problems?

4. Increased traffic levels from proposed residential area, employment area and school, plus parking for the latter may have significant impact on current residents access to Watson Way and Longcroft. There is already a potential for an accident owing to the lineage of the boundary wall on the junctions of Bedford Road, Watson Way, Chapel Road. Basically it is difficult to easily see traffic moving off the roundabout, particularly when it is moving at speed!

5. Proposals are a significant departure from the original plan and should be referred to a full Planning Committee for consideration, rather than the decision be made by the Planning Officer.

6. It is unclear that the waste water plans will be sufficient protection from flooding. Reference the local flooding in the country park and significant water level rise during the winter months

7. Given the significant change of usage, there is likely to be a vast change in the level of noise over a 24/7 period compared to the original plan for employment provision.

8. Street lighting is likely to impact on the current ambiance enjoyed by Watson Way residents.

9. Unclear if the bridge between Watson Way and the site (over Elstow Brook?) will be demolished, thus ensuring there will be no further footfall alongside and behind Watson Way.

10. Given the significant change of usage I think this application should a) go out to public consultation with detailed plans of type of buildings proposed, together with clarifications relating to walkways,; b) the matter should be placed before a full committee, rather than decided upon by the Director for Planning.

19 Gold Furlong, Marston Park:

I object to planning permission for Marston Park North for the following reasons:

Traffic - it would mean a substantial increase in volume of traffic, associated noise, speeding - has the survey taken in to account the new school set to open in 2015 and the increase in traffic this will also cause? Parking is already an issue along Gold Furlong and in my opinion this will add to it. Also if there is to be a connecting road between Gold Furlong and Station Road this will become a rat-run with an even bigger increase in traffic and the associated issues highlighted above.

The Habitat Survey appears to be incomplete yet work has already been started on the site - although the survey for newts is taking place as they spend most of the summer months in water should this not take place during the months that they actually inhabit dry land?

The Council consulted for a second time, with the revision that B2 and B8 uses were removed from the description, and 0.3 hectares of land would be secured for the provision of school playing field at the existing Marston Park Lower School Site.

Consultee responses:

Sustainable Transport No comments received

Waste No comments received

Play Officer No comments received

Housing Development Officer I would expect to see 35% affordable housing or 18 affordable residential units. I would like to see a tenure split of 63% Social/Affordable Rent and 37% Intermediate tenures such as Shared Ownership as per our SHMA. In this case we would like to see 12 units for affordable rent and 6 units for Intermediate tenure as per the updated SHMA of 2014. I would like to see the units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect all units to meet the code for sustainable homes level 3 and meet all HCA design and quality standards. If these comments are taken on board, I would support this application.

However the historic s106 of this site and application had the old Mid Beds Affordable Housing Policy of 28% affordable housing this would therefore require 14 units of affordable housing. In this scenario would like to see a tenure split of 63% Social/Affordable Rent or 9 units and 37% Intermediate tenures such as Shared Ownership or 5 units as per our SHMA. I would like to see the units dispersed throughout the site and integrated with the

market housing to promote community cohesion & tenure blindness. I would also expect all units to meet the code for sustainable homes level 3 and meet all HCA design and quality standards. If these comments are taken on board, I would support this application.

Highways No objections, as all matters are reserved, no conditions. Supportive of the removal of B2 and B8 uses from the site.

Internal Drainage Board The surface water has been previously agreed, no objections.

Archaeology The proposed development is within an area identified as containing a cropmark complex (HER 15321), the remains of a later prehistoric and Roman settlement. This is a heritage asset with archaeological interest as defined by the National Planning Policy Framework (NPPF).

An archaeological field evaluation undertaken as part of the outline planning application for this site (MB/06/00593/OUT) confirmed the existence of an extensive Iron Age and Roman agricultural settlement. A condition on the outline planning consent required the investigation in advance of development of that part of the development site containing the identified remains of the settlement site. The investigation has been carried out and demonstrated that the site was an extensive and long lived (early Iron Age to late Roman) settlement. The present application site lies to the north of the excavated area.

The application includes an Archaeology Statement (Albion Archaeology 23/05/2014). This summarises the archaeological background and context of the site, in particular its relationship to the excavated Iron Age and Roman settlement. The Statement notes that the original evaluation only identified a small number of archaeological features within the application site comprising a small number of largely undated linear features and furrows, the remains of medieval cultivation. The site is outside the defined area of archaeological investigation. It concludes that the application site does not contain any remains relating to the Iron Age and Roman heritage asset and that the remains of medieval/post-medieval agricultural activity are of local interest which have been adequately investigated by the field evaluation.

The conclusions of the Archaeological Statement are reasonable. The proposed development will not have a major impact on any archaeological remains or on the significance of the heritage assets with archaeological

interest. Therefore, I have no objection to the application on archaeological grounds.

Environment Agency

The IDB have confirmed (to the EA) that this application is part of a larger development which is already substantially complete with outfalls to the adjacent watercourses. The reference to mains surface water disposal relates to connecting into pipe work which already has an outlet.

Therefore, we have no objection to this application and no further comment to make.

Public Protection

No objection subject to conditions.

Trees and landscaping

No objection to the proposals in principle.

Details will be required of additional landscape and boundary treatment, to include species, sizes and densities of planting.

Management plan for landscaping for areas of the development in the public realm.

Ecology

The submitted updated Phase 1 habitat survey has identified increased ecological interest within the site since the previous survey was undertaken in 2009. The site has remained uncultivated and this has enabled vegetation to mature which has resulted in improved habitat conditions for birds, reptiles, badgers and potentially otters. As such the report makes recommendation for further survey work to be undertaken prior to site clearance, therefore I recommend that any planning permission granted has conditions attached requiring further species surveys be undertaken for birds, badgers and commuting otters.

It is noted that a reptile survey is currently being carried out and this will inform a reptile mitigation plan which will likely involve translocating any reptiles off the site. The submission of this mitigation plan should also form a condition.

Anglian Water

No comments received

Economic Development

From an Economic development Perspective, I am content that the site has been marketed in line with the agreed process and there has been little interest in the site. Likewise, given the need to support a wider choice of employment opportunities in the area, I recognise and support the considering the site for a range of employment generating uses.

While the loss of approximately 1.5ha of employment land is somewhat disappointing I would suggest that if the site can successfully be brought forward for high density uses, such as B1 and B1c then this could provide for some form of equivalence of job opportunities arising from the site. Likewise given the need to consider a range of uses I would welcome D uses and other employment generating uses on the site. I must however, not caution on B8 and B2 uses, given both the access to the site and reflecting the now increased residential element, where the site is neither likely to be attractive to the B2 and B8 market due to any likely operational/ access restrictions.

Likewise, as the current plan sets out the employment uses will predominantly be at the rear of the site. While given the odour limitations this is understandable, this will reduce the attractiveness of the site to the market and as such consideration should be given to improving direct access to the employment uses or even bringing these more to the forefront of the site.

Determining Issues:

The considerations in the determination of this application are:

1. The principle of the development
2. Layout and appearance
3. Impact upon existing neighbours and future living conditions
4. Traffic and parking
5. Drainage, flooding and sustainability
6. Other considerations
7. s106 and affordable housing
8. Conclusions

Considerations:

1. Principle of the development

History:

This site forms part of a wider development known as "Marston Park". Marston Park was originally granted consent for 480 dwelling, 3 Ha of B1 employment land, a primary school, a local centre, a community sports hall and other engineering operations. The housing portion of the site is at approximately 200 legal completions and the school is constructed. The B1 employment land was subject to three years worth of marketing, which is in accordance with the stipulations set out within the Section 106 agreement.

This site was originally considered inappropriate for residential development due to the proximity to the Sewage Treatment Plant, a *Cordon Sanitaire* was drawn,

and agreed by Anglian Water and the Councils Public Protection Department. It was considered inappropriate for any uses which were residential. The B1 (office) use was to be located within this area. Since this original decision, additional work has been undertaken by the applicant in conjunction with Anglian Water which has reassessed the modeling used to impose this line. The line was originally drawn as a circle around the sewage treatment plant, has been redrawn to a fluid line, reflecting the topography of the site. The line has decreased, and moved closer to the treatment plant.

Use of the land for B1:

As the B1 site has been marketed for the last three years without a significant level of success, it is considered appropriate to consider other uses for the land. This development would increase the number of dwellings on Marston Park by up to 50 (Total Number 530), and decrease the amount of employment uses from 3 Hectares to 1.23 Hectares. In addition it is also proposed to use 0.3 hectares for an expansion of the land area associated with Marston Park Lower School.

The marketing of the B1 land was done in accordance with the provisions set out within the Section 106 for Marston Park, it was submitted quartley to Central Bedfordshire Council and it is considered that the applicant has explored the possibility of utilising this land for offices. It is considered appropriate to reassess the uses on this part of the site, to ensure that the entrance to Marston Park is not left undeveloped. The original application was made for B2 and B8 uses, which were not considered appropriate in 2006. This application was made to expand these use, however it has been again judged that this would not be appropriate. The application includes D1, and D2 uses, this would allow for potential uses such as:

D1 Non-residential institutions - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non residential education and training centres.

D2 Assembly and leisure - Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations.

It is considered that uses within the D1/D2 category would have the potential to generate employment within the local area, in addition in general these uses are not considered to be as disturbing to local residential properties both in terms of noise generate and traffic movements.

It should be noted that the new proposal includes an expansion of the new Lower School site at Marston Park, to expand the playing field provision, this would be a D1 use, and is therefore considered in conformity with the general uses proposed on this site. By increasing the size of this school site, the site is future proofed for expansion, should addition housing in Marston Moretaine be approved, the total size of the school site would be appropriate for a 2 form entry lower school.

It is considered the principle of this application is acceptable, this is considered a sustainable location for a mixed use development.

2. Layout and appearance

All these matters would be reserved, and would be dealt with under separate applications, there is no indication that there would be insufficient space to provide for this level of development on the site proposed.

3. Impact upon existing neighbours and future living conditions

All plans shown are indicative, however it is considered that there would be suitable space to accommodate the level of development proposed, and subject to suitable consideration of Reserved Matters applications, it is judged that the development would have a neutral impact upon existing residents. The site has been granted outline consent for B1 offices, it is considered in this location, residential, with B1 and D1/D2 uses, would not have a significantly greater impact.

2 residents have raised the following objections:

1. Planned road is too close to the bridge.

The road is in the same location as the approved outline consent.

2. Planned access road has potential to create unwanted noise levels at all times of the day. Road should be constructed further along the main access road, i.e as far away as possible from Watson Way.

The spur road does not form part of the consideration of this application, it already has consent. The Highway Officer or Public Protection Officer did not raise any concerns over the use of this road.

3. Three storey level buildings will not enhance the general aesthetics of the design in its full form.

The Design Code for this part of Marston Park shows three storey frontage buildings, however all considerations of the design element would be considered under the Reserved Matters applications. It is likely most of the buildings would be 2-3 storey in height.

4. It is not clear that a full flood plain evaluation has been undertaken. Properties in Watson Way are within the designated flood plain and it is questionable that concretising this area of land will be well drained by pipe work with drainage into Stewartby Lake. Recent heavy rainfalls resulted in localised flooding within the country park together with significant rising in water levels in the lake. What guarantees are there that the development will not create flood problems?

The EA and IDB have confirmed they have no objections to this development, and request no conditions or further works.

5. Increased traffic levels from proposed residential area, employment area and school, plus parking for the latter may have significant impact on current residents access to Watson Way and Longcroft. There is already a potential for an accident owing to the lineage of the boundary wall on the junctions of Bedford Road, Watson Way, Chapel Road. Basically it is difficult to easily see traffic moving off the roundabout, particularly when it is moving at speed!

It is considered that residential traffic would likely have a greater spread throughout the day, whereas a B1 use would be likely to be heavier at peak times, it is judged that the existing road network is suitable to sustain these movements. The school has already been approved, any expansion of the buildings to accommodate additional pupils would require planning permission, where detailed considerations would be taken. This application includes additional playing field space, which is unlikely to have a significant impact upon adjacent residential properties.

6. Proposals are a significant departure from the original plan and should be referred to a full Planning Committee for consideration, rather than the decision be made by the Planning Officer.

It is referred to Development Management Committee, due to the application being a Major and receiving an objection from the Parish Council.

7. It is unclear that the waste water plans will be sufficient protection from flooding. Reference the local flooding in the country park and significant water level rise during the winter months.

The EA and IDB have confirmed they have no objections to this development, and request no conditions or further works.

8. Given the significant change of usage, there is likely to be a vast change in the level of noise over a 24/7 period compared to the original plan for employment provision.

The Councils Public Protection Department is satisfied that this would not be a significant issue.

9. Street lighting is likely to impact on the current ambiance enjoyed by Watson Way residents.

It is likely that the road would be lit in a similar way for residential as it would be B1 use. It is likely that the lighting would be at a lower level within the residential area, as there would not be the requirement for flood lighting car parks etc.

10. Unclear if the bridge between Watson Way and the site (over Elstow Brook?) will be demolished, thus ensuring there will be no further footfall alongside and behind Watson Way.

The redline boundary of this application does not include this area, and this

application does not seek to remove this bridge.

11. Given the significant change of usage I think this application should a) go out to public consultation with detailed plans of type of buildings proposed, together with clarifications relating to walkways,; b) the matter should be placed before a full committee, rather than decided upon by the Director for Planning.

This is outline consent, and therefore details of the buildings can not be requested, however a full public consultation would be undertaken for each Reserved Matters applications, where these considerations would be assessed.

12. Traffic - it would mean a substantial increase in volume of traffic, associated noise, speeding - has the survey taken in to account the new school set to open in 2015 and the increase in traffic this will also cause? Parking is already an issue along Gold Furlong and in my opinion this will add to it. Also if there is to be a connecting road between Gold Furlong and Station Road this will become a rat-run with an even bigger increase in traffic and the associated issues highlighted above.

The additional housing would have sufficient parking (to be agreed later), it is considered that it is likely that children from the additional housing would use the Lower School, however due to the extremely close proximity of the school to the site, it is very likely that children would walk. The Highway Officer raised no objections to this application. It is noted that Marston Park was always to have two accesses, one off Bedford Road, and one off Station Road, however this does not form part of this application.

13. The Habitat Survey appears to be incomplete yet work has already been started on the site - although the survey for newts is taking place as they spend most of the summer months in water should this not take place during the months that they actually inhabit dry land?

The Councils Ecologist has suggested additional surveys to be undertaken, these would be a condition of the planning consent.

4. Traffic and parking

The redline boundary shows three access points into this site, two of them onto Gold Furlong, and an additional one on the spur road off Gold Furlong. The Highways Officer raised no objection to the development. Access is however not applied for under this application, as all matters are reserved.

5. Drainage, flooding, and sustainability

The applicants have submitted a Flood Risk Assessment, and the Environment Agency and Internal Drainage Board, have raised no objections to it.

6. Other considerations

Ecology

The Council's Ecologist has suggested conditions for further survey work to be undertaken.

Trees

It is considered that the land was always going to be developed, landscaping would be a reserved matter of the outline consent.

Rights of Way

The proposal suggests that additional links can be put though the adjacent Forest Centre, however no formal right of way would be affected.

Human Rights Issues

The proposal would raise no known Human Rights Issues.

Equality Act 2010

The proposal would raise no known issues under the Equality Act.

Parish Councils Objection:

The objection largely relates to suggesting that the market conditions have not been favourable over the last three years, and therefore should the site be marketed again now then there might be a different reaction from the market. It is considered that the applicant has complied with the requirement set out within the Section 106 Agreement, and it would not be possible under the terms of that Agreement to require further marketing. Within the new Section 106 for this development the marketing of a smaller area for a greater range of uses will be required, it is hoped that this will be successful and this part of the site will come forward in the near future. This development would retain 1.23 hectares of employment land, which would be marketed in current conditions, as per the Parish Councils wishes. As the former marketing was not successful it is judged that it is appropriate to look for other sustainable land uses for this area.

7. S106 and affordable housing

30% (17 units) of the dwellings on site would be affordable and they would be a mix of two and three bedroom units. Whilst lower than the Council's policy suggests (19 units would be provided if 35% was proposed) that the provision should be, it is considered that 30% is in accordance with Policy 34 of the emerging Development Strategy. The tenure mix as proposed is:

37% Shared Ownership
63% Affordable Rent

Contributions would be made to mitigate the impact of the development on existing local infrastructure in line with the Council's Supplementary Planning

Guidance. The financial contributions towards the following are currently proposed:

Education
Leisure, Recreational Open Space
Community Facilities and Services

0.3 Hectares of land, for the provision of a Lower School playing field, in a useable condition.

There is not currently a signed Section 106, and the final figures have not been agreed, however all contributions have been tested against CIL regulations. Any update on this matter shall be made on the late sheet.

8. Conclusions

It is considered that the B1 site was marketed in accordance with the stipulations set out within the original Section 106, as this was not successful, it is judged appropriate to consider other uses on the site.

Recommendation:

That Outline Planning Permission is granted subject to, the satisfactory completion of a suitable Section 106 agreement reflecting the terms set out in this report and the following conditions:

RECOMMENDED CONDITIONS / REASONS

- 1 No development shall take place within the each area approved as identified on plan OHB030-002H until approval of the details of the access, appearance, landscaping, layout and scale of the development within the area (herein called “the reserved matters”) has been obtained in writing from the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

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

- 2 Application for 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 **No development shall commence at the site within each sub area before details of existing and proposed site and slab levels and proposed cross sections through houses that border the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: To protect living conditions of neighbouring and proposed properties.

- 4 Each application incorporating public open space, landscaping and amenity open space, shall be accompanied by details of the arrangements to be made for the future maintenance of such areas. The details thereby approved shall be implemented.

Reason: To secure the ongoing provision of appropriate community facilities and open space.

- 5 There shall be no destruction or removal of vegetation during the months of March to August inclusive, except as otherwise approved in writing by the Local Planning Authority.

Reason: To protect breeding birds.

- 6 No works shall begin on each phase of the site pursuant to this permission until details have been submitted to and approved in writing by the Local Planning Authority, details to include:

- i. A phase 2 site investigation report documenting the ground conditions of the site with regard to potential contamination, and incorporating chemical and gas analysis as identified as being appropriate by the already submitted phase 1 environmental desk study report, and following its recommendations.
- ii. A detailed scheme for remedial works and measures to be taken to mitigate any risks to human health and the wider environment posed by any contaminants and/or gases identified by the phase 2 report.
- iii. Any remediation scheme shall be agreed in writing by the Local Planning Authority prior to the commencement of works.
- iv. Any remediation scheme, as agreed in writing shall be fully implemented before the development hereby permitted is first occupied.
- v. All variations to any remediation scheme shall be agreed in writing with the Local Planning Authority.
- vi. 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 validation report.

Reason: To protect human health and the environment.

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

Reason: To minimise the potential for noise nuisance to local residents.

- 8 No retail or commercial premises shall cook or prepare food without having details of the equipment to be installed to disperse odours agreed in writing by the Local Planning Authority. The details approved shall be implemented in full prior to operation and maintained in perpetuity.

Reason: To safeguard the amenities which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 9 All commercial including retail premises shall not be open for business between the hours of 23.00 and 07.00 daily, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 10 Deliveries by commercial vehicles to the commercial units including retail premises shall be restricted to between the hours of 06.00 and 21.00hrs Monday to Friday, 06.00 and 20.00hrs on Saturdays, and 09.00 and 17.00hrs on Sundays and Bank Holidays. No deliveries by Heavy Goods Vehicles (i.e. those exceeding 3.5t) shall be undertaken before 07.30hrs on any day.

Reason: To safeguard the amenities which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 11 No works shall commence on any building within the employment area as defined on plan OHB030-002H until details of the fitting on air filtration systems has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: To safeguard the amenities which the occupiers of neighbouring properties might reasonably expect to enjoy.

- 12 **No works shall start on each phase until, an updated bird, badger,**

otter, and reptile survey(s) is carried out. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted to approved in writing by the Local Planning Authority before construction works commence on site. The mitigation measures shall be implemented in full in accordance with the agreed time scales.

**Reason: To ensure the status of [protected species] on site has not changed since the last survey.
(Policy 57, DSCB)**

- 13 This permission relates only to the principles established as shown on the submitted plan, number OHB030-002H.

Reason: To identify the approved plan/s and to avoid doubt.

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 applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)

Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

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 at the pre-application stage and 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.