

## **Item No. 7**

<b>APPLICATION NUMBER</b>	<b>CB/14/02084/OUT</b>
<b>LOCATION</b>	<b>Marston Park North, Marston Moretaine, Bedford, MK43 0LE</b>
<b>PROPOSAL</b>	<b>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.</b>
<b>PARISH</b>	<b>Marston Moretaine</b>
<b>WARD</b>	<b>Cranfield &amp; Marston Moretaine</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Bastable, Matthews &amp; Mrs Clark</b>
<b>CASE OFFICER</b>	<b>Annabel Robinson</b>
<b>DATE REGISTERED</b>	<b>30 May 2014</b>
<b>EXPIRY DATE</b>	<b>29 August 2014</b>
<b>APPLICANT</b>	<b>O&amp;H Q7 Limited</b>
<b>AGENT</b>	<b>David Lock Associates</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>The application is a major and there is an objection from the parish council</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Approve</b>

### **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.

**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 each area approved as identified on plan OHB030-009 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 within areas A (residential); C (local centre) and D (school playing field) shall be made to the Local Planning Authority within three years from the date of this permission. Reserved matters applications for the remainder of the site (Area B – employment generating uses) shall be made within four 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 within an Area as shown on plan OHB030-009 before details of existing and proposed site and slab levels of the proposed buildings have been submitted to and approved in writing by the local planning authority. Such details shall include sections through the relevant area and any adjoining properties or land. The development shall be carried out as approved.**

**Reason: To protect living conditions of neighbouring and proposed**

**properties.**

4

In conjunction with any reserved matters application incorporating public open space, strategic landscaping and amenity open space, details of the arrangements to be made for the future maintenance of such areas shall be submitted to and approved in writing by the local planning authority. 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 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 previously undertaken on the wider site.
- ii. A remediation scheme shall be agreed in writing by the Local Planning Authority prior to the commencement of works.
- iii. Any remediation scheme, as agreed in writing shall be fully implemented before the development hereby permitted is first occupied.
- iv. All variations to any remediation scheme shall be agreed in writing with the Local Planning Authority.
- v. 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 in any Area, as defined on Plan ref OHB030-009, until, an updated bird, badger, otter, and reptile survey(s) is carried out for that Area. A report confirming the results and implications of the assessment, including any revised mitigation measures for that Area, shall be submitted to and approved in writing by the Local Planning Authority before construction works commence on site. The**

**mitigation measures shall be implemented in full within that Area 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, OHB030-009.

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

### **Additional Informative:**

The wider site known as “Marston Park” is accompanied by an adopted Design Code, the design principles contained within this document should inform the detailed Reserved Matters applications.

### **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](http://www.cae.org.uk))  
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://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.

NOTES

- (1) In advance of the consideration of the application the Committee were advised of additional neighbour response, amended conditions and revisions to the report. All of which were set out in the Late Sheet appended to these minutes.
- (2) In advance of the consideration of the application the Committee received representations made under the public participation scheme.