

## **Item No. 15**

<b>APPLICATION NUMBER</b>	<b>CB/14/03686/FULL</b>
<b>LOCATION</b>	<b>Land at Former Farris Garden Centre, Clophill Road, Maulden, Bedford, MK45 2AD</b>
<b>PROPOSAL</b>	<b>Erection of 12 retirement homes and 5 affordable retirement homes and new access works.</b>
<b>PARISH</b>	<b>Maulden</b>
<b>WARD</b>	<b>Amphill</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Duckett, Blair &amp; Smith</b>
<b>CASE OFFICER</b>	<b>Judy Self</b>
<b>DATE REGISTERED</b>	<b>18 September 2014</b>
<b>EXPIRY DATE</b>	<b>18 December 2014</b>
<b>APPLICANT</b>	<b>Maulden Vale Limited</b>
<b>AGENT</b>	<b>Aragon Land &amp; Planning Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Major application and the parish council have objected</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

### **Summary of Recommendation**

The development is within open countryside and outside the development envelope. However, this is a previously developed site which has been vacant for a significant number of years. Taking into account that the proposed development supplies a specific housing need, it is considered that very special circumstances exist to justify the development and outweighs the harm to the openness of the countryside, having regard to policies DM4, CS2 and CS7 of the Core Strategy and Development Management Policies (2009) and Policies 31, 32, 35, 38 and 43 of the Emerging Development Strategy for Central Bedfordshire. There will be no adverse impact on the residential amenity of any neighbouring property by reason of loss of light, privacy or overbearing impact in accordance with DM3. The proposed development is acceptable with regards to highway safety in accordance with the Local Transport Plan: Appendix F - Parking Standards.

Regarding The Dog & Badger Public House: the findings of the noise assessment or mitigation measures proposed have not been received at the time of preparing this Committee report and will be reported at committee. This recommendation is therefore subject to the submission of a satisfactory noise mitigation scheme.

### **Conclusion**

The site is located outside of the village envelope but is a brownfield site, previously occupied by a garden centre. Whilst the site is not ideally located for shops and services the availability of a similar brownfield site closer to such services has not been advanced and the proposal provides for an extended footpath to an upgraded bus stop. Having regard to the need for this type of elderly accommodation; the

mixed tenure of the units and the low level landscaped design it is considered that the development is acceptable.

### **Recommendation**

That Planning Permission be approved and a grant of permission be delegated to the Head of Development Management subject to the signing of a S106 Agreement; the submission of a satisfactory noise mitigation scheme and the following conditions:

### **RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **Development shall not begin until a scheme for surface water disposal 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 development shall be carried out in accordance with the approval details.**

**Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).**

- 3 **Notwithstanding the details shown on the submitted plan development shall not begin until detailed plans and sections of the proposed junction onto Clophill Road, access road, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until 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.**

- 4 **No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building in the interests of the visual amenities of the locality.**

- 5 No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
- A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.
  - Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

Reason: To protect human health and the environment

- 6 Notwithstanding the details as submitted with the application no development shall take place until a landscaping scheme (details to include the boundary treatment and the sizes, species and densities of planting) and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.

- 7 Prior to the commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the Local Planning Authority a scheme of noise attenuation measures which will ensure that internal noise levels from externally generated sources shall not exceed 35dBLAeq, 0700-2300 in any habitable room or 30dBLAeq, 2300-0700 and 45dBLAmax, 2300-0700 inside any bedroom, and that external noise levels from external sources shall not exceed 55dBLAeq, 1 hour in outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the local planning authority in writing before any permitted dwelling is occupied, unless an alternative period is approved.

Reason:

- 8 The reptile mitigation shall be undertaken in accordance with the details in section 6.3 of the October 2014 Ecological Appraisal.

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area.

- 9 No occupation of any permitted building shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
- Where shown to be necessary by any Phase 2 Desk Study found to be necessary by Condition1, a Phase 3 detailed remediation scheme and measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted building is occupied.
  - The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

There is a duty to assess for Asbestos Containing Materials (ACM) during development and measures undertaken during removal and disposal should protect site workers and future users, while meeting the requirements of the HSE.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination before, during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health and the environment

- 10 Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes; and
  - show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bats.

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area.

- 11 Notwithstanding the provisions of Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no

extensions to the building(s) hereby permitted shall be carried out without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the external appearance of the building/s in the interests of the amenities of the area.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development in the interests of the rural amenity of the area.

- 13 Each unit of the development hereby permitted shall be occupied only by:
- (ii) persons aged 55 or above;
  - (iii) persons living as part of a single household with such a person or persons; and/or
  - (iv) persons who were living as part of a single household with such a person or persons who have since died.

Reason: For the avoidance of doubt and Policy 31 of the emerging Development Strategy for Central Bedfordshire.

- 14 The development shall not be brought into use until details of the following have been submitted to and approved in writing by the Local Planning Authority:
- Tracking of the waste collection vehicle on all roads to be accessed by the collection crew. This will need to be to the Council's vehicle dimensions.
  - Any turning point will need to be tracked and information as to how the prevention of vehicles parking in the turning point will be prevented.
  - Confirmation that all roads to be accessed for waste collection are to be adopted

Reason: In the interest of amenity and highways safety

- 15 The dwellings hereby approved shall not be occupied until details of the bin [storage/collection] areas have been submitted to and approved in writing by the Local Planning Authority and the bin storage/collection areas have been implemented in accordance with the approved details. The bin [storage/collection] areas shall be retained thereafter.

Reason: In the interest of amenity.

- 16 Notwithstanding the detail shown on the submitted plan no dwelling shall be occupied until such time as the extended footway on the north side of Clophill Road and the bus-stop provision on the south side of Clophill Road,

has been provided to the specification of the highway authority and satisfaction of the Local Planning Authority..

Reason; To ensure the provision of safe and convenient pedestrian access to sustainable modes of transport.

- 17 Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason; To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits.

- 18 Before the new access and modified junction is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the accesses hereby approved 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.

- 19 No development shall take place until details of wheel-cleaning facilities at all site exits have been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the approved facilities have been installed and made operational and the Site Developer shall ensure that these are used by all vehicles exiting the site until the development has been substantially completed or until the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).

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.

- 20 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 12-020-100B (site plan); 1639/12/1 (site location plan); 1790 C (site layout); 1790.3 (type A); 1790.4 (type A1); 1790.5 (type A2); 1790.6 (type A3); 1790.7 (type B); 11790.8 (type B1); 1790.9 (type C).

Reason: To identify the approved plans and to avoid doubt.

## Notes to Applicant

1. Advice from the Tree & Landscape Officer  
Condition 6 requires an improved and more detailed landscape plan with more emphasis on the choice of planting - bearing in mind the clients who will be living in these properties. Avoid prickly, spiny planting with more emphasis on colour. Consider Cotoneaster, Robinia fraseri Red Robin as hedging. Trees with light tracery leaves Birch is fine but Holly is not to be recommended.
2. Advice from the Environment Agency  
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).

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

### Contamination

The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency [Guiding Principles for Land Contamination](#)

3. In line with policies DM1 (Renewable Energy) and DM2 (Resource Efficiency) of the Core Strategy and Development Management Policies it is recommended that 10% energy demand of the development to be secured from renewable sources and water efficiency to be delivered to a Level 3 of the Code for Sustainable Homes standard (105 litres per person per day).
4. It is recommended that the development should comply with the new Part L2013 of Building Regulations and deliver 10% of its energy demand from renewable sources. In addition it is recommended that water efficiency should be delivered to a Level 3 of the Code for Sustainable Homes standard (105 litres per person per day).
5. The applicant is advised that in order to comply with this permission 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.

6. 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 developers 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.
  
7. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as 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 parking for contractor's vehicles and the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk on 03003008049. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of construction of the development hereby approved.

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

Planning permission has been recommended for approval 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 received representations made under the Public Participation Scheme.
2. In advance of the consideration of the application the Committee were advised of additional information / surveys submitted and a correction to the report as set out in the Late Sheet attached to these minutes.
3. A new condition 7 was added and the subsequent conditions renumbered.]