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BBC APPLICATION NUMBER	15/02682/MAR
CBC APPLICATION NUMBER	CB/15/04294/RM
LOCATION	Wixams Land at former storage depot, Bedford Road, Wilstead Bedfordshire
PROPOSAL	Reserved Matters Application for Strategic Infrastructure Works - Earthworks
PARISHES	Houghton Conquest / Wixams
WARDS	Houghton Conquest & Haynes / Wilshamstead
WARD COUNCILLORS	Cllr Mrs Barker (CBC) Cllrs Graeme Coombes (BBC)
CASE OFFICER	Louise Newcombe (CBC) & Jonathan Warner (BBC)
DATE REGISTERED	16 November 2015 (CBC) & 10 December 2015 (BBC)
EXPIRY DATE	15 February 2016 (CBC) & 02 March 2016 (BBC)
APPLICANT	Wixams First Limited
AGENT	Barton Willmore
REASON FOR COMMITTEE TO DETERMINE	Reserved Matters application for a site that straddles the boundary between CBC and BBC
RECOMMENDED DECISION	Reserved Matters - Granted

Summary of recommendation:

Wixams new settlement has been granted outline planning permission.

The applicants are continuing to bring forward development and remediation of the remainder of the site in Villages 2, 3 and 4 have been carried out and completed. The site levels of the settlement have been previously agreed under a condition of the outline consent but the earthworks to form the development platforms, as a form of operational development, require separate reserved matters approval and this application has been submitted to address this oversight.

Having regard to all of the above, it is recommended that reserved matters approval for the proposed earthworks is granted.

Site Location:

The application site forms part of the new settlement of Wixams. The Development Brief Area consists of approximately 384 hectares of land with planning permission for 4,500 dwellings, education, retail, employment, leisure and community uses, open spaces and main infrastructure. It is located approximately two miles south of Bedford town centre with the eastern boundary of the settlement is marked by the re-aligned A6 Bedford Road while to the west the boundary is marked by the main rail line and B530 Ampthill Road. The

northern section of the settlement is bounded by open land with some existing employment uses while to the south the boundaries are marked by open countryside.

The overall masterplan for the settlement consists of 4 villages, each separated by linear parkland. Village 1 is the eastern most village adjacent to the A6 which is now close to completion. Village 2 is centrally located and separated from Village 1 by Greenway B. Village 3 is to the west of Village two and will include the Town Centre. Village 4 is to be located on the western edge of Wixams and to be separated from Village 3 by a Greenway. The site straddles the boundary between Bedford Borough and Central Bedfordshire.

The Application:

This application relates to Earthworks which constitute one of the Strategic Infrastructure Reserved Matters required by Condition 4 on the outline planning permissions for the Wixams development. The earthworks are required to form the development platforms for the various development parcels within the settlement. The details submitted were previously submitted to and approved by both Central Bedfordshire and Bedford Borough Councils in March 2012 pursuant to the planning conditions attached to the original Outline Planning Consent relating to site levels. In error, the requirement for approval of the earthworks as a separate submission was overlooked and as such the current applications are submitted to regularise this position in relation to Villages 2,3 and 4. Earthworks have recently commenced on site and the application is partly retrospective.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) March 2012

RELEVANT POLICIES (BBC):

Bedford Core Strategy & Rural Issues Plan (2008)

CP1	Spatial Strategy
CP2	Sustainable Development Principles
CP21	Designing in Quality
CP22	Green Infrastructure
CP24	Landscape Protection and Enhancement
CP26	Climate Change and Pollution

Allocations and Designations Local Plan (2013)

AD1	Sustainable Development Policy
AD24	Green Infrastructure Opportunity Zones
AD25	Forest of Marston Vale
AD28	Provision of Open Space and Built Facilities in Association with New Development

Bedford Borough Local Plan (2002)

NE12	Early Landscaping
NE16	Flood Plain & Habitat Protection
NE24	Water Resources
BE03	Mixed Uses and Sustainability

BE29	Promotion of Good Design
BE30	Control of New Development
BE31	Urban Design Principles
BE34	Corridors
BE38	On and Off Site Landscaping
BE39	Landscaping Schemes
BE40	Trees
H14	Elstow Storage Depot
U02	Surface Water Drainage

RELEVANT POLICIES (CBC):

Central Bedfordshire Core Strategy and Development Management Policies 2009

CS1	Development Strategy – Northern Marston Vale – Wixams
CS14	High Quality Development
DM3	High Quality Development

Central Bedfordshire (North): Site Allocations DPD – Adopted April 2011

No relevant policies

Minerals and Waste Local Plan (2005)

W4	Waste minimisation and management of waste at source
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Bedford Borough, Central Bedfordshire and Luton Borough Council's Minerals and Waste Local Plan: Strategic Sites and Policies (2014)

No relevant policies

CBC Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Supplementary Planning Guidance / Other Documents:

- Elstow New Settlement Planning & Development Brief (1999)
- The Wixams Strategic Design Guide (2005)
- The Wixams Highway Design Guide (2004)
- The Wixams Landscape Strategy (2005)
- The Wixams Community and Leisure Facilities Strategy (2005)

Relevant Planning History:

BBC

99/01645/OUT	Approved 02.06.06	Built development consisting of building and engineering works for a mixed use development of residential, employment, retail (A1, A2, A3) leisure and community uses, open space and associated uses together with supporting infrastructure (roads, paths, cycleways, pumping stations, electricity substations), public transport, interchange and car parking.
11/01380/M73	Permitted Subject to S106 agreement	99/01645/OUT Built development consisting of building and engineering works for a mixed use development of residential, employment, retail (A1, A2, A3) leisure and community uses, open space and associated uses together with supporting infrastructure (roads, paths, cycleways, pumping stations, electricity substations), public transport, interchange and car parking (all matters reserved except access). Application for variation of condition 20 (i) restriction on floorspace of foodstore.
11/02444/AOC	Approved 19.03.12	99/01645/OUT Condition 42 site levels - Built development consisting of building and engineering works for a mixed use development of residential, employment, retail (A1, A2, A3) leisure and community uses, open space and associated uses together with supporting infrastructure (roads, paths, cycleways, pumping stations, electricity substations), public transport, interchange and car parking.

CBC

MB/99/01694/OUT	Approved 02.06.06	Outline: built development consisting of building and engineering works for a mixed use development of residential, employment, retail (a1, a2, a3), leisure and community uses, open space and associated uses together with supporting infrastructure (roads, paths, cycleways, pumping stations, electricity substations), public transport interchange and car parking (all matters reserved except access)
CB/11/02182/VOC	Approved 04.07.12	Variation of Condition 20(i) on planning permission MB/99/01694/OUT dated 2 June 2006 to read "the total net retail sales floor area of the foodstore hereby permitted shall not exceed 5,500sqm provided that no more than 2,500 sqm of the net retail sales area is to comprise comparison goods floorspace

Representations:

Neighbours / Others:

None within CBC authority area.

Two representations received from interested parties consulted by BBC.

The first representation is from a resident located at 24 Dane Lane concerned that the raising of the ground level to the rear of their property by a metre could increase the likelihood of flooding at their property. This neighbour has requested confirmation as to whether a ditch at the rear of the property will remain available as the destination for their gutter water run-off. This neighbour has also raised concerns in respect of noise resulting from plant undertaking the earthworks.

The second representation is from the Bedfordshire Association of Architects which has suggested that the Council should give consideration to the creation of a Design Brief for the development.

Consultees:

BBC:

Stewartby Parish Council – No comments received.

Wixams Parish Council – No comments received.

Wilstead Parish Council – No comments received.

Elstow Parish Council – No comments received.

Parks and Countryside Development Officer – No comments received.

Environmental Health Officer – No comment to make.

Scientific Officer – No comments received.

Arboricultural Officer – Any protected trees within the site boundary are within private ownership and not felt to be under any threat. No further comments to make in respect of the earthworks.

Highways (Development Control) Officer – No comments received.

Environment Agency – No comments received.

Bedfordshire / River Ivel Internal Drainage Board – No comments to make.

Flood Investigation Officer – No objection to the granting of planning permission.

Drainage Engineer – No comments received.

CBC:

Houghton Conquest Parish Council – No comments received

CBC SuDS Team – No objections

Highways England – No objection

Historic England – Previously accepted the principle of development. Recommend the application be determined in accordance with national and local policy guidance.

Bedfordshire & River Ivel Internal Drainage Board – Any works carried out within 7m of the bank top of Harrowden Brook will be subject to obtaining the Board's agreement and prior consent

CBC Conservation – no direct impact or possible harm to heritage assets or their settings

CBC Landscape – No comments – appears comprehensive

CBC Highways – No highway objection

CBC Minerals and Waste – No objection

Determining Issues:

The main considerations of the application are:

- 1) Principle of Development
- 2) Impact on the Character and Appearance of the Area
- 3) Access and Highway Safety
- 4) Other considerations

Considerations:

1) Principle of Development

- 1.1 The application site comprises the Wixams settlement which has outline planning permission for a mixed use development including 4,500 homes, employment, retail, leisure and community uses along with open space and supporting infrastructure within both Bedford Borough Council and Central Bedfordshire Council authority areas.
- 1.2 These Strategic Infrastructure Works reserved matters applications submitted to each respective Council is for the approval of the earthworks and earthmoving.
- 1.3 The principle of the development is therefore considered acceptable.

2) Impact on the Character and Appearance of the Area

- 2.1 The earthworks detailed are the same as those agreed under the site levels condition of the outline consent and indicate the main areas of landscape change

across the whole of the Wixams site. The plans show the ditches and swales which correspond to the greenways and other surface water drainage routes of the completed development. Within areas allocated for built development, localised modest increases in levels (typically not more than 500mm) have been indicated to ensure an appropriate level of flood protection and to provide for the necessary gradient for drainage. The site's existing overall character and landform will therefore not be significantly altered by the proposed earthworks.

3) Access and Highway Safety

- 3.1 The applicant has confirmed that following the completion of the site decontamination remediation works no further removal of soils from the site is anticipated and therefore no additional traffic movements will be required. The proposed works will therefore not have a significant impact on highway safety or capacity.

4) Other considerations

Contamination

- 4.1 The Agents confirm that site decontamination remediation works have been completed and all unsuitable material has been removed from the site and reported to Central Bedfordshire Council and Bedford Borough Council. The materials which remain on site have been categorised in accordance with the previously submitted and approved remediation strategy for specific uses in terms of both their contamination content and also their physical qualities. Prior to any other infrastructure works at the site, all earthworks will have to be completed and the completion reports will confirm the materials placed in each area as well as provide the verification of placement.

Drainage

- 4.2 Concerns have been expressed that the earthworks could affect the drainage ditch to the rear of properties on Dane Lane and could increase the risk of flooding. The plans show that the drainage ditch to the rear of Dane Lane is to remain, removing the likelihood of surface water from the earthworks land running directly into the gardens of properties on Dane Lane.

Noise

- 4.3 Concerns have been raised regarding the potential for noise disturbance from the works proposed. Condition 29 of the outline consent limits the works of construction or demolition to between the hours of 08:00 and 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays. This is considered to adequately limit noise at times when it is reasonable for residents not to be subjected to construction noise.

Design Brief

- 4.4 One of the representations received recommends the preparation of a design brief for the site but it should be noted the development is already subject to a development brief with a number of supporting development strategies and design

codes.

Human Rights

4.5 The development has been assessed in the context of human rights and would have no relevant implications.

The Equalities Act 2010

4.6 The development has been assessed in the context of the Equalities Act 2010 and would have no relevant implications.

5. Conclusions

5.1 Wixams new settlement has been granted outline planning permission.

5.2 The applicants are continuing to bring forward development and remediation of the remainder of the site in Villages 2,3 and 4 have been carried out and completed. This Strategic Infrastructure Reserved Matters application for the earthworks allows for the formal approval of these details that have already been approved under the site levels condition.

5.3 Having regard to all of the above, it is recommended that reserved matters approval for the proposed earthworks is granted.

BEDFORD BOROUGH COUNCIL RECOMMENDATION :

That the Assistant Director (Planning) be authorised to Grant approval of this reserved matters application subject to the following condition:

1. The development shall be carried out in accordance with the plans listed on this notice.

REASON: For the avoidance of doubt.

NPPF Informative

In dealing with this application, the local planning authority, where possible, has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the application. The issues that were the focus of that process are set out below. Where it has not been possible, within the set time for dealing with the application, to achieve a positive outcome, the reasons for refusal or conditions imposed on any permission have been fully explained in this Notice.

No issues raised

CENTRAL BEDFORDSHIRE COUNCIL RECOMMENDATION:

That the Development Infrastructure Group Manager be authorised to GRANT approval of this reserved matters application subject to the following condition:

- 1. The development shall be carried out in accordance with the plans listed on this notice.
REASON: For the avoidance of doubt.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015

- Part 5, Article 35

Approval of reserved matters has been granted. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. Bedford Borough Council and Central Bedfordshire Council have 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.

INFORMATIVE NOTES TO APPLICANT

- 1) The applicant should be made aware that any Earthworks carried out within 7m of the bank top of Harrowden Brook which is under the statutory control of the Bedfordshire and River Ivel Internal Drainage Board will be subject to obtaining the Board's agreement and prior consent.

DECISION

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