

Item No. 12**SCHEDULE B**

APPLICATION NUMBER	MB/03/02216/OUT
LOCATION	Land Adjacent To Station Road, Maulden Bypass, Ampthill
PROPOSAL	Outline: Residential development - all matters reserved except means of access.
PARISH	Ampthill
WARD	Ampthill
WARD COUNCILLORS	Councillors P Duckett & G Summerfield
CASE OFFICER	Nicola Stevens
DATE REGISTERED	21 January 2004
EXPIRY DATE	21 April 2004
APPLICANT	Lisscourt Limited
AGENT	C W & ER C Shrimplin
REASON FOR COMMITTEE TO DETERMINE	Major Development – To appraise members of progress on S106 and to seek variation to agreed conditions
RECOMMENDED DECISION	S106 Pending

That the application be granted planning permission subject to a Section 106 Agreement and the following conditions:-

1 Approval of the details of:-

- (a) the siting of the buildings;
- (b) the design of the buildings;
- (c) the external appearance of the buildings;
- (d) the landscaping of the site;

(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: To enable the Local Planning Authority to exercise control over the said matters which are not particularised in the application for planning permission in accordance with Section 92 of the Town and Country Planning Act 1990 and Town and Country Planning (General Development Procedure) Order 1995.

2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

Reason: To comply with the provisions of Section 92 (2) (a) and (4) of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Sections 92 (2) (b) and (4) of the Town and Country Planning Act 1990.

- 4 Unless otherwise agreed in writing by the Local Planning Authority, no Reserved Matters Application shall be submitted until and unless the illustrative Masterplan (Figure 12 of the Development Brief) has been expanded upon to provide the following:

- i) A detailed landscape strategy for the whole site
- ii) a strategy for improving ecological opportunities on the site
- iii) a breakdown of residential densities across the whole site in accordance with the Development Brief.
- iv) a strategy for the location and provision of 28% of housing to be affordable, to include a proportion to be constructed to the 'lifetime homes' standard of construction.
- v) a strategy for the location and provision of a minimum 2% of housing to contain annexes for extended families and self build plots unless otherwise agreed in writing with the Local Planning Officer, to include reference to their spread across the application site
- vi) the location and scale of play, sport and open space facilities.
- vii) the provision of lighting to all communal car parking areas.
- viii) an Energy, Pollution and Waste Minimisation Strategy to include energy reduction measures in all buildings, to provide recycling and waste facilities and storage on a household level, to control the disposal of waste material and recycling of topsoil within the construction phase of the development and to demonstrate the provision of additional energy/sustainability features in each showhome to be constructed on the site, all to be implemented in accordance with the guidance in PPS 22 and PPS23, such strategy to demonstrate compliance with RSS14 and the Development Brief and the Managing Waste in New Developments Supplementary Planning Guidance and other such guidance at the time of submission which may be deemed necessary.
- ix) Notwithstanding the details contained in the Design Statement February 2007, parameters shall be agreed with the Local Planning Authority to define the maximum storeys, heights, widths and depths of buildings
- x) Notwithstanding the details contained in the Travell Plan October 2006, further details shall be agreed in accordance with the Highway Authority letter dated 16 July 2007

The development shall be implemented in accordance with the agreed details and with the principles established within the West Ampthill Planning and Development Brief 2006 and the Mid Bedfordshire Local Plan First Review Adopted 2005.

Reason: In order to achieve a satisfactory form of development in accordance with the Development Brief.

- 5 Each Reserved Matters Application shall be accompanied by a written Design Statement which (unless otherwise agreed with the Local Planning Authority) shall demonstrate how the application is in accord with the adopted or approved Strategies, and Development Brief required by condition 4 above.

Reason: To ensure that the development achieves the objectives set out in the Development Brief and Strategies.

- 6 All planting, seeding or turfing shall be carried out in accordance with an agreed implementation timetable. If during a period of 5 years from the completion of that part of the development, any trees or plants die, are removed, or become seriously damaged or diseased, they shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agree otherwise. For the purpose of this condition a planting season shall mean the period from November to February inclusive.

Reason: In the interests of the visual amenities of the site and the area generally.

- 7 The Landscape Strategy required by condition 4 above shall define and provide for the retention and protection of appropriate existing landscape features including the woodland in the north east corner of the site protected by a Tree Preservation Order.

Reason: In the interests of the visual amenities of the site and the area generally.

- 8 Prior to the commencement of works details including location, height and materials of temporary protective fencing or hoardings and areas prohibited from use by contractors and such other measures to be taken in the interests of existing tree and hedgerow protection shall have been submitted to and approved in writing by the Local Planning Authority and implemented as approved.

Reason: To safeguard the existing trees and hedgerows on the site in the interests of visual amenity.

- 9 All new dwellings shall be designed to meet the Eco Homes rating system with BREEAM or equivalent "very good" standard or its equivalent and shall be accredited on a housing standard basis by an approved BRE-licensed assessor prior to occupation.

Reason: To satisfy requirements for sustainable development contained in the Development Brief.

- 10 Each reserved matters application shall incorporate the provision of 8% of housing being to mobility standards and shall include a detailed justification for its mix of house types, tenures and sizes demonstrating how this meets

the principles of Objective 1 of the Development Brief.

Reason: To ensure the development is sustainable and in accordance with the aims of the Development Brief.

- 11 Each reserved matters application shall incorporate the provision of a minimum of 2% of self build plots unless otherwise agreed in writing with the Local Planning Authority, and shall include a detailed justification for its mix of house types, tenures and sizes demonstrating how this meets the principles of Objective 1 of the Development Brief.

Reason: To ensure the development is sustainable and in accordance with the aims of the Development Brief.

- 12 Each reserved matters application shall incorporate the provision of 10% of live/work units and house types unless otherwise agreed in writing with the Local Planning Authority, and shall include a detailed justification for its mix of house types, tenures and sizes demonstrating how this meets the principles of Objective 1 of the Development Brief.

Reason: To ensure the development is sustainable and in accordance with the aims of the Development Brief.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order with or without modification, no works shall be undertaken for the removal of annex accommodation in extended family units and live/work accommodation without the specific grant of planning permission by the Local Planning Authority.

Reason: In order to ensure a range of accommodation is retained across the site in the interests of sustainable community living.

- 14 Before any works commence on site details of advance or structural landscape planting in accordance with Figure 10 of the Development Brief shall be submitted to and approved in writing by the Local Planning Authority. The details thereby approved shall be carried out prior to any houses being first occupied unless otherwise agreed in writing by the Local Planning Authority.

This shall be protected during building operations and maintained to encourage its establishment for a minimum of five years following the practical completion of the development. Any trees or significant areas of planting which are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period shall be replaced as soon as is reasonably practicable to the satisfaction of the Local Planning Authority.

Reason: To ensure an appropriate standard of visual amenity in the local area.

- 15 Before any development is commenced on the site details of the layout and design of play and sport facilities, including the equipment, furniture,

surfacing and boundary treatment to be installed, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details to a timescale to be agreed in writing with the Local Planning Authority.

Reason: To ensure the provision of adequate play and children's recreation facilities.

- 16 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timescale agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

- 17 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position and design, and appropriate safety measures for the construction of the balancing ponds/attenuation areas. The balancing ponds/attenuation areas shall be completed in accordance with a timescale agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the completed development and security of the site.

- 18 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected within the structural landscaping along the western boundary with the A507. The boundary treatment shall be completed prior to any houses being first occupied unless otherwise agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the completed development and provide a secure boundary along the A507.

- 19 Prior to the development hereby approved commencing on site details of the final ground and slab levels of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Such detail shall include sections through both the site and the adjoining properties or land, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.

Reason: To ensure a satisfactory relationship results between the new development and adjacent buildings and public areas.

- 20 No development shall take place until a Scheme of Archaeological Resource Management has been submitted to and approved by the Local Planning

Authority. The scheme shall be implemented fully in accordance with the approved details.

Reason: To safeguard any material of archaeological interest which exists on the site.

- 21 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.

- 22 Prior to the commencement of any works on site (including the removal of any vegetation) a further survey shall be undertaken to identify the presence of badgers on or using the site. The results of the survey shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, and shall include proposals for any necessary works or actions to mitigate impacts. The development shall be carried out in accordance with the approved details.

Reason: To ensure the protection of badgers.

- 23 Development shall not begin until a scheme protecting the proposed dwellings from noise from road traffic adjacent to the development hereby approved, to include provision of an acoustic barrier along the western boundary with the A507 and mitigation measures for any dwellings falling within NEC 'B' in accordance with Figure 2 of the Peter Brett Associates Acoustic Assessment November 2006 has been submitted to and approved in writing by the Local Planning Authority; and no dwelling shall be occupied before the works relevant to it have been completed.

Reason: To ensure that the amenities of residents are not prejudiced by excessive noise and in accordance with the aims of the Development brief.

- 24 Prior to the commencement of works pursuant to this permission details shall be submitted, of:

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 undertaken 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.

- 25 Details of the method of disposal of foul and surface water drainage to include a stage 2 Flood Risk Assessment shall be submitted to and agreed in writing by the Local Planning Authority including any land drainage system, before the development is commenced. Thereafter no part of the development shall be brought into use until the approved drainage scheme has been implemented.

Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.

- 26 Prior to the commencement of development, a scheme for the provision and implementation of a sustainable urban drainage system that results in no increase in peak storm water discharges from the site shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.

- 27 There shall be no burning of materials on site unless previously approved in writing by the Local Planning Authority.

Reason: To protect the amenity of adjoining occupiers and to protect landscape features.

- 28 No development shall commence until a Code of Construction Practice has been submitted to and approved by the Local Planning Authority which shall detail methods that all developers, contractors and sub-contractors will employ and shall include:

- i) details of traffic routes and points of access/egress to be used for construction purposes,
- ii) measures to suppress dust,
- iii) the siting and appearance of works compounds
- iv) wheel cleaning facilities for construction traffic

The implementation of the development shall only be undertaken in accordance with the approved Code.

Reason: To safeguard the amenities of adjoining occupiers, to protect the surrounding countryside, and to prevent the deposit of material on the highway.

29 Works of construction, including the use of plant, vehicles and machinery necessary for the implementation of this consent, shall only take place (other than as specifically approved in writing by the Local Planning Authority prior to any works being undertaken) between 0800 hours and 1800 hours on Mondays to Fridays inclusive, and 0800 hours to 1300 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the adjoining occupiers.

30 A waste audit shall be prepared and submitted for the site in accordance with the following:

a) Prior to the submission of any reserved matters application, an outline waste audit shall be submitted to and approved in writing by the Local Planning Authority to deal with the broad principles of waste management in the development;

b) Before the development hereby permitted is commenced a detailed Waste Audit addressing the construction and subsequent occupation of the development has been submitted and approved in writing by the Local Planning Authority. The Detailed Waste Audit must be in accordance with the approved Outline Waste Audit required by condition - a) above. The Detailed Waste Audit must include details of;

- i) The anticipated nature and volumes of waste that the development will generate.
- ii) Measures to maximise the re-use on-site of waste arising from demolition/engineering/landscaping
- iii) Steps to be taken to ensure effective segregation of wastes at source during demolition and subsequent construction of the development including, as appropriate, the provision of waste sorting, storage and recovery and recycling facilities
- iv) Any other steps to be taken to minimise the generation of waste throughout any required demolition and during construction of the development,
- v) Provision within the proposed development to encourage occupiers to manage their waste effectively and sustainably. This may include provision for waste and recycling storage areas, road and development layouts which allow waste and recyclables to be collected effectively, provision of community recycling facilities.
- vi) Provision for monitoring the implementation of steps i) – v)
- vii) A timetable for implementing steps i) – vi)

Reason: To ensure that waste is managed sustainably during the development in accordance with objectives of Policies W5 and W6 of the Bedfordshire and Luton Waste Local Plan 2005.

31 This permission shall not extend to the layout and associated engineering details submitted in support of the application with the exception of the roundabout design on the entrance to the site as shown on Drg No 203068/20 Rev D.

Reason. For the avoidance of doubt.

- 32 The sole means of vehicular access to the site shall be via the entrance roundabout as shown on Drg No 203068/20 Rev D and through the Hallam land to the south. No other means of vehicular access shall be taken at any other point without separate planning consent.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 33 Before the access is first brought into use, the existing private access from the A507 to the development land 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 Prior to the first occupation of any residential property details shall have been submitted to and agreed with the Local Planning Authority in writing of a welcome Travel Pack for all residents. Such Pack shall include the provision of information on sustainable travel modes, public transport facilities (including timetables and season tickets), and walking and cycling routes for school work healthcare employment services and leisure, and shall be issued to each household on first occupation. The Pack shall be updated as necessary through the course of development, and such additional information shall be distributed to those households already occupied within the site.

Reason: To encourage the use of modes of transport other than the private motor car.

- 35 No development shall commence until details of a pedestrian and cycleway access from the application site to Station Road as shown on Drg No 203068/20 Rev D have been submitted to and approved by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: To facilitate development of the whole area in accordance with the approved development brief

- 36 No development shall commence until details of a pedestrian and vehicular access from the application site to the Hallam land to the south have been submitted to and approved by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: To facilitate development of the whole area in accordance with the approved Development Brief.

- 37 Prior to the commencement of development details of cycle parking provision across the site together with details of the design and signage of the cycle and pedestrian routes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in

strict accordance with the approved details.

Reason: In the interests of the amenity of pedestrians and cyclists using the development.

38. The permission shall authorise the erection of no more than 40 dwellings.

Reason: In order to ensure the development meets the guidance contained within the West Ampthill Planning and Development Brief 2006 and to ensure compatibility with elements of the associated Section 106 agreement.

39. Prior to the commencement of development a scheme for the provision and future maintenance of public art shall be submitted to and approved in writing by the Local Planning Authority. The public art shall be sited as approved prior to the occupation of the 20th dwelling. The development shall be implemented solely in accordance with the approved details.

Reason: In order to achieve a satisfactory form of development in accordance with the West Ampthill Development Brief and Policy DPS27 of the Mid Bedfordshire Local Plan First Review Adopted 2005.

Notes to Applicant

1. The applicant is advised that in order to comply with Conditions (above) of this permission it will be necessary for the developer of the site to enter into an agreement with Bedfordshire County 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 Planning and Control Group, Bedfordshire County Council, County Hall, Bedford, MK42 9AP.
2. 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. The Development Planning and Control Group, Bedfordshire County Council must approve any improvements. Further details can be obtained from the Engineering Policy and Planning Group, Bedfordshire County Council, County Hall, Bedford, MK42 9AP.
3. 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 Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Bedford, MK42 9AP.

4. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Bedfordshire County Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Bedfordshire County Council's Customer Contact Centre, 6th Floor, County Hall, Bedford, MK42 9AP quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
5. The applicant is advised that the closure of existing access(es) shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Bedfordshire Highways, Bedfordshire County Council's, Customer Contact Centre, 6th Floor, County Hall, Bedford, MK42 9AP. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access(es).
6. All roads to be constructed within the site shall be designed in accordance with Bedfordshire County Council's publication "Highway Development Control Design Guide - January 1995" and the Department of the Environment/Department of Transport's "Design Bulletin 32", or any amendment thereto.
7. The applicant is advised that as a result of the development, new highway street lighting will be required and the applicant must contact the Engineering Policy and Planning Group, Bedfordshire County Council, County Hall, Bedford MK42 9AP, 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.
8. The developer's attention is drawn to the attached copy of Waste Management Notes.
9. The developer is reminded that works involving the habitat of badgers, bats, breeding birds, etc may require a protected species disturbance licence. Further information can be obtained from Natural England, Beds and Cambs Team, Ham Lane House, Ham Lane, Nene Park, Orton Waterville, Peterborough, PE2 5UR Tel 01733 405 850.
10. The applicant/developer is advised that under the terms of the adopted Development Brief there is no provision made for direct vehicular access to be taken to Station Road via the adjacent site currently the subject of a residential development but formerly known as Morgana Works, and that

any application which proposed such a connection would not be looked upon favourably by the Local Planning Authority.

- [Note: (1) In advance of the consideration of the application the Committee were advised of consultations received as 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.]
- (3) The report incorrectly specified Condition Numbers 35 and 36, reference should have been made to Conditions 38 and 39.