

Item No. 16**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	Cllr P Duckett and Cllr 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 RECOMMENDED DECISION	To Advise members on a further variation to the conditions and the section 106 S106 Pending

Purpose of this report

At the meeting of the Development Control Committee of Mid Bedfordshire District Council on the 15 August 2007, Members resolved to approve this application for Outline consent subject to the signing of a Section 106 Legal Obligation.

A report was prepared on the 22 July 2009 in order to advise Members of the progress of the application. At that meeting clarification was sought on the vehicular access to the site to ensure it is adequately addressed. As a result, this report has been prepared in order to advise Members on the current situation regarding this aspect of the application.

Following the Committee meeting on the 22 July, the wording of the highway conditions has been reassessed and it is considered that condition 33 does not take effect early enough in the development. It is now considered that condition 33 should be amended to ensure that the access to the site is closed prior to implementation of the planning permission. It is also considered inappropriate to require that the access is also dealt with in the Section 106 agreement. Circular 11/95 'The Use of Conditions in Planning Permissions' recommends that Local Planning Authorities should impose a condition rather than seek to deal with the matter by means of a planning obligation. A reworded condition 33 would ensure that no development can commence until the existing private access is closed. As such it is recommended that condition 33 should be reworded as follows:

No development shall commence until the existing private access from the A507 to the development land is 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.

Condition 32 already ensures that the sole means of vehicular access to this site can only be taken from the entrance roundabout to be constructed on the A507 and through the Hallam land to the south. No other means of vehicular access can be taken at any other point without separate planning consent.

Furthermore, the applicant has requested that condition 35 be removed. This condition was imposed as a result of the financial contributions towards educational provision having been calculated to reflect a scheme based on 40 dwellings (to accord with the number of dwellings set out in the Adopted Development Brief - 210 dwellings have been approved on the adjoining site resulting in 250 dwellings in total). This new condition would have restricted the outline scheme to 40 dwellings.

However, following further negotiations the applicant has pointed out that there may be an opportunity to get slightly more than 40 dwellings on the site. The education contribution within the 106 is therefore being reconsidered with a view to it being replaced by a pro-rata figure which would ensure appropriate payments are made no matter what the ultimate number of dwellings is on the site. Given that the application is seeking outline consent with all matters reserved except means of access as previously approved as such on 5 August 2007, and that the numbers of dwellings can be adequately assessed and controlled at the reserved matters stage, it is recommended that condition 35 should now be deleted.

With the removal of condition 35, condition 36 relating to public art will need to be renumbered as condition 35.

Conclusion and Recommendation

The Authority of Members is sought to ratify its earlier resolution to Approve outline consent subject to the signing of a Section 106 Planning Obligation incorporating the above changes to conditions.

THE REMAINDER OF THIS REPORT CONTAINS EARLIER SUBMISSIONS TO
THE DEVELOPMENT CONTROL COMMITTEE

Appendix

Report Development Control Management Committee 22 July 2009

Purpose of this report

At the meeting of the Development Control Committee of Mid Bedfordshire District Council on the 15 August 2007, Members resolved to approve this application for Outline consent subject to the signing of a Section 106 Legal Obligation.

This report has been prepared in order to advise Members on the current situation regarding the application.

Following that meeting, negotiations have been undertaken with the applicant to agree the terms of the Section 106. All details have now been agreed.

However, given the length of time that has expired since the resolution to approve the application it is considered best practice to bring this application back to Committee to ratify its earlier resolution to Approve and to agree to the following changes.

Following negotiations with the applicant it has been agreed that the financial contributions towards educational provision should be amended to reflect a scheme based on 40 dwellings. This would accord with the number of dwellings set out within the Adopted Development Brief (210 dwellings have already been approved on the adjoining site resulting in 250 dwellings in total). A new condition would need to be attached to ensure the outline scheme is restricted to 40 dwellings. This would become condition 35 and be worded as follows:

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 Amptill Planning and Development Brief 2006 and to ensure compatibility with elements of the associated Section 106 agreement.

The applicant has requested that the public art element be dealt by condition instead of within the Section 106 Planning Obligation. This would accord with guidance set out within Circular 11/95 'The Use of Conditions in Planning Permissions' and as such it is recommended the following condition (36) be attached.

Prior to 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 Amptill Development Brief and Policy DPS27 of the Mid Bedfordshire Local Plan First Review Adopted 2005.

The applicant has also requested that in view of the current economic climate the time allowed for the implementation of the permission should be adjusted to five years (rather than three). It is considered that this is a reasonable request given the time that has elapsed since the resolution for this application was first made back in August 2007 and to reflect the current economic climate and as such it is recommended that conditions 2 and 3 be amended as follows:

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.

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.

Conclusion and Recommendation

The Authority of Members is sought to ratify its earlier resolution to Approve outline consent subject to the signing of a Section 106 Planning Obligation incorporating the above changes to conditions.

Report Development Control Committee 15 August 2007

Site Location:

The site lies to the west of the town of Ampthill. The site is bounded by woodland and housing to the east and north, to the west lies the A507 and beyond this lies the Ampthill Industrial Estate and Business Park. To the south lies the Town Council's allotments and the 'Hallam' land. The latter has residential development of 210 dwellings approved subject to the signing of a Section 106. The site area totals some 1.35 hectares and is a vacant and underused site which has previously been used for open storage of vehicles.

The site lies wholly within the Settlement Envelope of Ampthill. A Development Brief was adopted by this Council's Executive in October 2006 to guide the future development of the area, including this site, and the Council's consideration of planning applications.

The application is presented to the Development Control Committee at the request of the Ward Councillor.

For members awareness it is not considered the development triggers need for an Environmental Impact Assessment.

PPS/PPG:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS9 – Biodiversity & Geological Conservation
PPG13 – Transport
PPG16 – Archaeology & Planning
PPG17 – Planning for Open Space, Sport & Recreation
PPS22 – Renewable Energy
PPS23 – Planning & Pollution Control
PPG24 – Planning & Noise
PPS25 – Planning & Flood Risk

**Main Policy + SPG:
(Structure Plan + Mid Beds Local Plan)**

Bedfordshire County Structure Plan Adopted 1997	1, 3, 4, 5, 8, 9, 10, 11, 19, 25, 33, 34, 38, 39, 40, 55, 65, 66, 67, 70, and W5
Mid Bedfordshire Local Plan First Review Adopted December 2005	LPS1, LPS3A, LPS4, CS1, NC2, NC3, NC8, A2, A3, DPS1, DPS5, DPS7, DPS9, DPS10, DPS11, DPS12, DPS14, DPS16, DPS17, DPS19, DPS20, DPS20A, DPS23, DPS24, DPS27, PHS5, PHS6, SR2, SR5, SR6, HO2, HO4, HO5, HO6, HO9, TP1A, TP1, TP5, and TP8
Technical Planning Guidance	Planning and Development Brief West Ampthill, October 2006; A Design Guide for Residential Areas in Mid Bedfordshire 2004; Affordable Housing (2004); Wildlife in Development (2003). Recreational Open Space Strategy (2005) Bedfordshire Community Safety Design Guide (Draft 2005) Cycle & Walking Strategy for Mid Beds (2000) Mid Beds Cycle Route Mapping Project (2001)

Planning History

03/697/OUT Outline: residential development, all matters reserved except means of access. Refused 26.6.03

The applicant failed to: firstly, demonstrate that this site is suitable for residential use, secondly, to demonstrate that the proposed residential development will be a sustainable form of development as it did not provide any potential to properly integrate with the existing urban area of Ampthill and did not offer the use of modes of transport other than the car and, thirdly, to permit the proposal would lead to further conflicting braking and turning traffic movements on a stretch of strategic highway network subject to the national speed limit and thereby lead to conditions detrimental to highway safety and convenience.

05/525/OUT Outline: residential development, all matters reserved. Yet to be determined

Adjacent Land
05/273/OUT

Outline: Residential development up to 190 dwellings - all matters reserved except means of access. Scheme 1. Not yet determined

05/274/OUT	Outline: Residential development up to 190 dwellings - all matters reserved except means of access. Scheme 1 (Duplicate application) Appeal for non determination lodged in abeyance.
05/275/OUT	Outline: Residential development up to 210 dwellings - all matters reserved. Scheme 2. Minded to be approved at 13.6.07 DC Committee subject to signing of Section 106
05/276/OUT	Outline: Residential development up to 210 dwellings - all matters reserved. Scheme 2 (Duplicate application). Minded to be approved at 13.6.07 DC Committee subject to signing of Section 106

**Representations:
(Parish & Neighbours)**

Amphill TC No objection, subject to vehicular access into the site from the A507, footpath/cycleways for new residents to gain direct access into the existing settlement of Amphill, for noise abatement support a bank planted with trees to enhance the natural environment.

The Town Council would not support any access from the Lisscourt land into the former Morgana Works site off Station Road nor would they support any vehicular access onto the already congested junction of Tavistock Avenue with Flitwick Road.

Adj Occupiers The Town Council would only support access to the proposed development by means of a three armed roundabout off the A507 at the entrance into the site as shown on approved drawing no. 203068/20Rev D.

Original consultation response in 2003

3 letters concerned about density, vehicular access and impact onto Station Road, lack of consultation, loss of a commercial site, and harmful impact to future residents sited close to the existing industrial area. However, issues since been considered and addressed where necessary in the Development Brief.

No letters received following re-consultation in 2007

Consultations

This application has been the subject of a considerable number of consultations and the following responses are based on the letters received following adoption of the Development Brief and the re-consultation period:

CC (Highways)	No objection subject to conditions and Section 106
CC (Planning)	Request financial contributions towards purchase of additional library books, the provision of additional older people's services and children's services, a recycling site (need to

	consider location), Coopers Hill SSSI, education provision.
CC (ROW)	No comments received
CC (Archaeology)	No objection subject to a suitably worded condition
CC (Minerals)	No objection provided a suitably worded condition
Env Agency	No comments received
Int Drainage Board	No objection provided a suitably worded condition
Anglian Water	No comments received
Heartlands PCT	No objection
CPRE	No comments received
Wildlife Trust	No comments received. However it should be noted that a financial contribution has since been agreed for the adjoining Hallam site.
Natural England	No objection - details of financial contribution towards Coopers Hill should be the same as the adjoining Hallam site.
Ramblers Assoc	No comments received
EHO Pollution	No objection subject to Section 106 and conditions relating to an acoustic barrier along the A507, mitigation measures for dwellings falling within noise band NEC B and submission of a Phase 2 site Investigation Report.
MBDC Waste Management	No comments received
MBDC Footpaths Officer	No comments to make as no public rights of way are affected
MBDC Housing Officer	No comments received
MBDC Arb Off	No comments received
MBDC Design Team	The design statement is poor and inadequate, no mention of Design Codes.
MBDC Open Space Officer	No objection subject to conditions and Section 106 agreement
MBDC Community Safety	No comments received
MBDC Senior Engineer	No comments with regard to disabled access
Local Amenity Society	No comments received following re-consultation. Originally objected to vehicular access onto Station Road however following adoption of Development Brief access is now proposed off the A507

Determining Issues

The main considerations of the application are:

- 1.Principle of development
- 2.Using land efficiently
- 3.New community facilities
- 4.Safe & Secure Environment
- 5.Encouraging sustainable travel
- 6.Landscape, Biodiversity & Archaeology
- 7.Using Resources efficiently
- 8.Protecting amenity
- 9.Design concept

10.Other Issues

11.Section 106 Legal Agreement

Considerations

1. Principle of Development

Background

This application (ref: 03/2216/OUT) by 'Lisscourt' seeks outline consent for residential development with all matters reserved except means of access. Following the Development Brief process vehicular access has been amended and is now proposed through the adjoining 'Hallam' site onto the A507.

Application ref: 05/525/OUT seeks outline consent for residential development with all matters reserved.

The overall area of land including the Lisscourt and Hallam sites available is approximately 11 ha. Because it was desirable that these parcels of land are planned in a comprehensive and co-ordinated way the submitted outline applications for the whole area have been held by the Council to allow a Development Brief to be produced. It was subsequently adopted at the Executive Committee in October 2006.

The Local Plan allocation suggests that 150 dwellings be accessed via Tavistock Avenue. However, with the additional land parcels being brought forward which fall within the settlement envelope, this whole development area could accommodate a minimum of 250 dwellings. A number of options for vehicular access to the area were considered as part of the Development Brief process. It was concluded that "Station Road is constrained by existing and predicted traffic demand. Its junction with Flitwick Road is unlikely to function adequately in 2016 and is unlikely to support anything other than a relatively small scale development. On balance it would be preferable that no further development is provided on Station Road. Although Tavistock Avenue has greater scope there are highway, environmental and residential design issues to consider which would make excessive development difficult to justify. A limit on dwelling numbers via Tavistock Avenue is considered necessary". On balance the alternative for outward facing access via the A507 is the preferred choice. The proposed solution within the Development Brief is to provide two new roundabouts on the A507.

Now that the Brief has been adopted it is recommended that the two applications relating to the Lisscourt land should now be processed and ultimately determined by the Council.

The Application

This is an application for outline planning permission, with all matters reserved except means of access. The proposal seeks consent for residential development.

The application is accompanied by specialist documents comprising a Design Statement, Acoustic Assessment, Flood Risk Assessment, Geo-Environmental Desk Study Report, Transport Assessment, Travel Plan and a detailed plan showing proposed off site highway works (Dwg 203068/20 Rev D).

Amphill is identified as a large settlement within the Adopted Local Plan which is characterised by significant areas of residential estate and employment development and benefits generally from the highest overall levels of community, service and transport provision relative to other settlements in Mid Beds.

The application site lies within the settlement envelope of Amphill wherein policy stance normally allows the principle of further residential development. The land lies unallocated in terms of the Local Plan proposals map. It is considered that the proposal for residential development would make use of under-utilised land.

2. Using land efficiently and providing a mix of housing

Density

With the two Lisscourt and Hallam land parcels, the Development Brief covers an area of approx 11 Hectares which can provide at least 250 dwellings (210 dwellings on the Hallam site) based on guidance in PPS3. This will achieve an average net density of at least 30 dwellings per hectare across the site.

Within this overall density the design concept envisages areas of higher, mid, and lower density and as such a condition should be attached to ensure compliance with the principles of layout and densities set out within the Development Brief. The range of densities will assist with the delivery of a mix of house types.

Affordable Housing

28% of the total number of dwellings on the site should be provided as affordable housing. Development of a range of types, sizes, location and tenures of accommodation will need to be achieved through the Section 106 agreement. It will also be required to ensure the provision of free and serviced land for affordable housing.

The Development Brief states that a proportion of affordable housing will be constructed to the 'lifetime homes' standard of construction and a proportion will be fully wheelchair accessible. This can be secured by condition.

Housing Mix

In accordance with Policy H09 in the Local Plan the Development Brief requires schemes to contribute towards mobility/wheelchair standards. This will be achieved through an appropriately worded condition.

Conditions should also be attached to ensure a proportion of new housing be provided with self contained annexed accommodation for extended family living and that a proportion are built to live and work standards in accordance with the Development Brief.

Also in accordance with the Development Brief a proportion of self build plots should be provided via condition.

3. New community facilities

Education

The site is within easy walking distance of a number of schools; the Firs Lower School, Russell Lower School, Alameda Middle School and Redbourne Upper School and Community College.

The Development Brief acknowledges that the development will have an impact on the local schools. The Local Education Authority, Bedfordshire County Council has confirmed that contributions will be required for additional educational facilities in the catchment area schools and this will need to be secured through the Section 106 Legal Agreement.

New community building/health facilities

Investigations were undertaken as part of the Development Brief process to explore the need for any new community buildings and/or the need for improvements to existing buildings associated with the development. The outcome being that there is no justification for such a facility or related improvements directly as a result of this scale of development.

Initial consultation with the Bedfordshire Primary Health Care Trust (PCT) during the Development Brief process indicated that there would be a requirement for a financial contribution towards health provision as a direct result of this development.

However, the PCT have now stated that having carefully considered the likely impact on the current health facilities the development is unlikely to have a negative impact on service levels. The PCT therefore had no objection and as such no financial contribution was required.

Play and open space

For children's play the Development Brief recommends a variety of equipped and non-equipped play areas. A condition will need to be attached to ensure the on site play areas are provided and designed to an agreed specification. The Section 106 will ensure their future management and maintenance is secured.

A balancing pond/attenuation area is proposed on the site. At this stage it is not known whether the pond will be for attenuation purposes only or have public access. Regardless of who adopts this area in the future, conditions should be attached to ensure that appropriate safety measures for the construction and design of the pond is undertaken in accordance with the Royal Society for the Prevention of Accidents (RoSPA) or equivalent body. The Section 106 Agreement will need to ensure the production of a Management Plan and address issues of maintenance.

A condition should also be attached to secure the boundary with the A507 to prevent children playing in the buffer planting from accessing the road.

The scale of the development generates its own requirement for sporting open space. However, the Development Brief identifies that large scale sporting facilities would be inappropriate within a residential development. Consequently a financial contribution should be sought toward the provision of off site sporting facilities.

Amenity open space should be provided on the site. Although no details of its provision have been provided, it is considered that this can be dealt with at the reserved matters stage. It is noted that there is a small area of protected woodland in the north east corner of the site, however it is not known whether it is intended to be used for amenity open space, nor whether it would be suitable for such a use. In any event the scheme will have to comply with Policy SR5.

Maintenance and management

The section 106 should ensure responsibility for the maintenance and management of all play and open space. This will need to be to an agreed specification to either be undertaken by the applicants themselves or by relevant authorities transferred to them for adoption.

Retailing

The Development Brief states that the option of including a local convenience store within the new development has been considered but there are doubts about whether this would be viable. This being due to the size of residential development for the area not being large enough to generate such a need and not wanting to create additional traffic onto the A507 as a result of such a use.

4. Safe & Secure Environment

The Development Brief aims to create a development that reduces opportunities for crime and anti-social behaviour. Reserved matters applications will need to demonstrate that they have been designed to maximise security and a sense of ownership of the overall environment. All buildings and public spaces will need to incorporate measures to reduce crime opportunities and take account of secured by design principles in line with Policy DPS23. Careful choice of landscape species will be required in terms of long term management and maintenance issues. Design of car parking and garaging will need to be carefully addressed at the reserved matters stage.

Separate design statements accompanying each reserved matters planning application will need to demonstrate compliance with the outline Design Statement, the Design Guide and the Development Brief subject to condition.

In accordance with the draft Community Safety Design Guide and the Development Brief the provision of CCTV cameras have been considered for the overall area. The Community Safety Officer confirmed for the adjoining Hallam site that given that this is purely a residential scheme, with no community facilities that may have needed coverage, there is no requirement in this instance for CCTV within the development.

5. Encouraging sustainable travel

Policy H08(6A) states that the allocation site should be accessed off Tavistock Avenue. However, as already stated above, because it was desirable that all the relevant parcels of land within the settlement envelope are planned in a comprehensive and co-ordinated manner the Development Brief process considered other options for obtaining vehicular access to this area. The adopted Development Brief agrees that there will be only one point of all purpose vehicular access to the site and that should be from the A507.

It should be noted that although unlikely, the granting of this application could result in the provision of the two roundabouts on the A507 and an access road on land to the south without the Hallam site being developed. However, this is unlikely to be viable for the developer and this scheme should be seen as an extension of the Hallam site.

Public Transport

The Development Brief seeks to ensure that the development will maximise the accessibility to public transport. Access to bus stops on Dunstable Street and Flitwick Road serving the wider bus network will be via footpaths through the existing adjoining residential area. The Highway Authority have confirmed that a financial contribution to be agreed through Section 106 negotiations will be required towards a Demand Responsive Travel service linking to Ampthill Town Centre and Flitwick Town Centre/Railway Station. The service shall also be part of the Flitwick and Harlington PlusBus scheme.

Walking and cycling

A condition should be attached to ensure that at reserved matters stage the layout will incorporate routes for walking and cycling to facilitate movement to, through and around the development. Provision should be made for safe and secure cycle parking within the development.

Financial contributions will need to be provided towards off site cycle links to the wider area as part of the Section 106 Agreement. Contributions should also be provided towards cycleway provision at Flitwick railway station. Financial contributions towards off site pedestrian improvements are not being sought from this application as there are no direct links from this site, however, they are being sought on the adjoining Hallam site.

It will be important to ensure a pedestrian/cycle link is provided for within the layout from the application site to the Hallam land to the south via condition. A pedestrian/cycleway link is shown on the illustrative master plan from the Lisscourt land along the A507 up to Station Road and on Drg 203068/20 Rev D and should be covered by condition provided it is wholly within Highway ownership, confirmation of which is currently being sought. In order to ensure connectivity with the adjacent Ampthill Industrial Estate the Highway Authority has confirmed that a pedestrian and cycling refuge will need to be constructed to allow appropriate and safe means of foot and cycle crossing of the A507.

Vehicular access

This application originally sought vehicular access through the adjacent former Morgana site to Station Road. However, following the adoption of the Development Brief the means of access has been amended so that access will now be taken off the A507 via a new roundabout.

A Transport Assessment has been submitted in support of the application which has been assessed by the Highway Authority, Bedfordshire County Council, who have confirmed that the principal of this outline development and form of means of access is acceptable in highway terms.

The one point of vehicular access to the whole area (including the application site and the Hallam development to the south) will be taken directly off A507. This will involve creating a new three arm roundabout providing site access off the A507 north of the existing DooLittle Mill roundabout and Business Park (as shown on submitted drg no 203068/20 Rev D).

The roundabout will need to be designed in accordance with submitted details. However, unlike the applications for the adjoining Hallam site (dealt with by a Grampian Style condition) its implementation will need to be dealt with via the Section 106. This is because the roundabout is not wholly on highway land, it will be partly constructed on land within Hallam's ownership.

In order to maintain highway safety for users on the strategic highway network and to ensure that the site access roundabout is safe the Development Brief identifies the need for a further three arm roundabout at the junction of Station Road and the A507, providing improved access to the Ampthill Industrial Estate (as shown on submitted drg no 203068/20 Rev D).

Although considered unlikely that this site would be developed on its own, based on the small scale of the development taken in isolation, officers are of the view that it does not justify the need for the second roundabout. It should be noted that the implementation of the second roundabout has been secured via the consent of the much larger Hallam site. Views have been sought on this aspect from the Highway Authority and will be reported verbally at the meeting.

It will be important to ensure that the sole means of vehicular access to the site is via the new entrance roundabout and access road through the Hallam land. No direct access will be permitted from the site onto Station road via the residential development on the former Morgana factory site. A suitably worded condition should be attached.

A primary street will be created through the site linking the application site to the Hallam site to the south. This will be dealt with as part of the master plan submission and reserved matters applications.

Additional off site highway works

The Highway Authority has confirmed that the requirements for off site highway works under the Safer routes to school initiative will be the provision of a crossing on Flitwick Road near Redborne Upper School to be secured via the Section 106 Agreement.

Travel Plans

The applicant has submitted a Travel Plan in support of the application the contents of which are noted. However, further refinement of its content is required and as such a condition will need to be attached. It should also ensure that a Residential Information Pack is produced and distributed to the occupiers of the properties.

6. Landscape, Biodiversity & Archaeology

Landscape

The Development Brief makes it clear that the development should seek to mitigate against any adverse impact to current local wildlife, it should contribute towards, a 'net gain' of wildlife, and existing important landscape features should be retained where possible. The site itself has few features of landscape value having previously been used for open storage. However, it does have a small area in the northern corner which is covered by a Tree Preservation Order. As these trees are worthy of retention an appropriate strategy for the site will need to be agreed.

No Landscape Assessment and Landscape Strategy have been submitted for the site. However, it is considered that this could be dealt with by condition to ensure details are submitted prior to submission of reserved matters. Details of planting and timing of implementation, future maintenance and retention should be addressed via the use of conditions and the Section 106 Agreement.

Biodiversity

An ecological appraisal of the site was carried out as part of the Development Brief process. This shows that the site does not provide habitats for any protected species. Existing hedgerows should be retained and enhanced and an appropriate strategy for the site must be agreed via condition. Proposals for habitat improvement should be included at the reserved matters stage.

To the north of the application site and Station Road lies Coopers Hill, a Site of Special Scientific Interest (SSSI) and a County Council Wildlife Site (CWS). The site is owned by the Town Council and managed by a group made up of various bodies. The Development Brief acknowledges that due to its urban location and pressure from users it already suffers damage. The addition of houses to the south of Station Road will mean more pressure will be put on this fragile site. As such a financial contribution is considered necessary to help mitigate against any additional pressures put onto the Coopers Hill site as a direct result of this development. This will need to be secured via the Section 106 Agreement.

Archaeology

The Archaeological Officer has confirmed that a programme of archaeological investigation in advance of development should provide adequate mitigation for the impact of the proposed development on archaeology.

7. Using resources efficiently

In accordance with the advice within PPS22 and PPS23, the adopted Development Brief, and the requirements of RSS14, the applicants are required to produce an Energy and Waste Minimisation Strategy to help guide the development of this site. It will be expected to take into account the aims of objective 6 within the Development Brief which seeks 'to take all reasonable opportunities to maximise energy efficiency, to make use of renewable energy, to minimise water use, resource use and waste and provide facilities for recycling. This includes the use of recycled building materials, a proportion of electricity being generated from renewable energy sources, use of low pollution lighting, and features to deliver energy and water efficiency, measures for waste minimisation and recycling. Although the Development Brief makes reference to the construction of all dwellings being expected to comply with a 'very good'

EcoHomes rating for dwellings this was superseded by the Code for Sustainable Homes in April 2007 and as such an appropriate level will need to be agreed as part of the strategy taking account of best practice.

The Minerals and Waste Authority initially objected to this proposal because no Waste Audit has been submitted. However, this application was submitted well in advance of the requirements for Waste Audits (April 2006). As such the Minerals and Waste Authority has removed its objection subject to a suitably worded condition which would ensure a two stage approach to providing the necessary information, firstly setting out the broad principles of waste management followed by the submission of a detailed waste audit.

An Energy Strategy has also not been submitted at this outline stage. However, it is considered this can be adequately conditioned. Provision will also need to be made to ensure a statement detailing compliance with the strategy is also undertaken.

In conclusion, subject to the matters outlined above being incorporated into and implemented through an Energy and Waste Minimisation Strategy then it is considered that the requirements of PPS22 and PPS23, the Development Brief and RSS14 will have been complied with.

8. Protecting amenity

Protection of residential amenity

Subsequent reserved matters applications will address attention to detail within the scheme, and ensure that solutions and measures will be adopted to ensure consideration of privacy, relationships between dwellings, garden spaces, and relationships with access roads, footpaths and public spaces. Careful consideration will also need to be given to guidance set out within the Council's adopted document "A Design Guide for Residential Areas in Mid Bedfordshire 2004".

A condition should be attached to ensure a statement of measures for protecting the amenity of residents during the construction of development is submitted.

Contamination

The Environmental Health Officer has confirmed that the findings of the Geo-Environmental Desk Study Report are reasonable. Further information is required which can be adequately dealt with by condition.

Noise assessment

An Acoustic Assessment (Nov 06) has been submitted in support of the application to look at what attenuation is required to reduce the impact of noise from road traffic flows from the A507. The two options used are an earth bund or an acoustic wall (the latter has a slightly lower performance) which would be up to three metres in height in places. Using either of the above results in the majority of the site falling within NEC A which is considered acceptable for new residential development to take place. For the first row of housing closest to the A507 located to the north of the site the noise levels are just into NEC B where noise does need to be taken into account to ensure an adequate level of protection. The report suggests mitigation such as glazing and acoustically attenuated passive ventilation will be required for those dwellings.

The Environmental Health Officer has confirmed an acoustic barrier will be needed to protect the new properties on the site from noise, to be secured through the Section 106 and condition. A further condition will also be required to ensure appropriate mitigation measures are carried out to any dwellings which fall within the NEC B area.

It was determined at the Development Brief stage that noise from the industrial area would not have a detrimental impact on residential development in this location.

9. Design Concept

Design Concept

One of the aims of the Development Brief is to set a design concept for the future of the site. An illustrative masterplan for the site has been produced. This was used to form the basis of the 'Design Statement' but it is considered to be poor and inadequate in support of this application. However, given that the application was submitted before the change in regulations requiring Design and Access Statements (August 2006) and that broad principles of design are incorporated within the adopted Development Brief it is considered that the following can be adequately secured through conditions. The precise details of access, siting, design, landscaping and appearance of the development would need to be determined at the reserved matters stage.

The importance of the design of the development is emphasised by objective 8 – The Design Concept “To create a high quality environment, which in its design and form achieves the identity of a natural extension to Ampthill, responding to local distinctiveness, the locality and the constraints and opportunities of the site and its surroundings”. It is envisaged that the above objective will need to be met through considerations relating to movement, landscape and open space, density, built form, key buildings and groupings, affordable housing and sustainability. The Design Statement needs to be revised for clarification to accord with the Development Brief in relation to heights of development.

Unlike the larger Hallam site, given the small scale of the development it is not considered that a design guide and codes are required for this development. Subject to adherence to the Development Brief and adopted Technical Guidance it is concluded that a form of development will be created which comprises a natural extension to Ampthill and does not adversely harm the character and appearance of the area.

Public Art

In accordance with Policy DPS27 in the Local Plan the Development Brief requires schemes to contribute towards public art. This will be achieved through the Section 106 Agreement.

10. Other issues

Drainage

As part of the Development Brief process a Flood Risk Assessment was undertaken. It confirmed that the development area lies beyond any land considered to be a flood risk during the 1 in 100 or 1 in 1,000 year fluvial event.

The development of the application site will need to incorporate both an internal site drainage system and a balancing pond, to ensure that surface water is discharged evenly to the drainage system beyond the site boundaries. Surface water discharge from the development will use the existing watercourse on the western boundary. In addition a balancing pond will be provided on the site primarily designed to ensure proper water retention but also to enhance the bio-diversity and appearance of the site overall (its siting and design can be dealt with by condition). The IDB have no objection to the drainage details submitted and suggests relevant conditions/legal agreements be attached to any approval to ensure its future maintenance and management. A condition will need to be attached to ensure a Stage 2 FRA is undertaken. In relation to the culvert beneath the A507 into which the balancing pond will outfall, a condition will also be required to ensure no peak storm water discharge from the site.

In terms of foul water drainage Anglian Water confirmed as part of the Development Brief process that sufficient capacity exists at the existing pumping station adjacent to Tavistock Avenue to accommodate the likely flows from the development. In order to pump foul water up to the existing network, a new pumping station will be required.

Section 106 Legal Agreement

Many of the issues considered above indicate the need for a Section 106 Legal Agreement to be entered into with the developers to ensure that the impacts of this development are properly mitigated, and to achieve appropriate off site works in connection with the development. The following Heads of Terms are recommended:

- the provision of 28% affordable housing
- contributions towards educational provision
- the provision of open space and play facilities within and outside the application site
- contributions towards sporting open space provision
- management/maintenance agreements
- contributions towards public transport
- off-site highway improvements
- contributions towards the provision and promotion of the local cycleway network and cycleway provision at Flitwick railway station
- off site footpath and cycle links
- an appropriate stand off from the A507 to include bunding and landscaping;
- contributions towards Coopers Hill SSSI
- provision of public art

Conclusion

In conclusion subject to the formulation of a Legal Agreement incorporating the details outlined in the Heads of Terms section and the conditions detailed below it is considered that the proposal will comply with the adopted West of Ampthill Planning and Development Brief.

Reasons for Granting

The proposal is in conformity with PPS1, PPS3, PPS7, PPS9, PPG13, PPG16, PPG17, PPS22, PPS23, PPG24, and PPS25.

Bedfordshire County Structure Plan Adopted 1997 1, 2, 3, 4, 5, 8, 9, 10, 11, 19, 25, 33, 34, 38, 39, 40, 55, 65, 66, 67, 70, and W5

Mid Bedfordshire Local Plan First Review Adopted December 2005 LPS1, LPS3A, LPS4, CS1, CS19, NC2, NC3, NC8, GBT1, A2, A3, DPS1, DPS5, DPS7, DPS9, DPS10, DPS11, DPS12, DPS16, DPS17, DPS19, DPS20, DPS20A, DPS23, DPS24, DPS27, PHS5, PHS6, SR2, SR5, SR6, HO2, HO4, HO5, HO6, H08(6A), HO9, TP1A, TP1, TP5, and TP8

Technical Planning Guidance 2006; Planning and Development Brief West Ampthill, October 2006;
A Design Guide for Residential Areas in Mid Bedfordshire 2004;
Affordable Housing (2004);
Wildlife in Development (2003).
Recreational Open Space Strategy (2005)
Bedfordshire Community Safety Design Guide (Draft 2005)
Cycle & Walking Strategy for Mid Beds (2000)
Mid Beds Cycle Route Mapping Project (2001)

RECOMMENDATION:

It is recommended that subject to the completion of a Section 106 Legal Agreement requiring contributions towards those matters set out in the report than **APPROVE** Planning Permission subject to the conditions detailed below. However, if there are any minor changes or adjustments to the conditions considered necessary by the Director of Environmental and Planning Services then it is requested that these changes be delegated to the Director of Environmental and Planning Services.

Appendix

Development Control (West) Committee 21 December 2004

The Purpose of this Report

At the meeting on the 28 September 2004, Members resolved to defer this application in order that a development brief could be progressed of which the application site the subject of this proposal will form a part. The deferral was to the end of 2004.

A copy of the original report to Committee is attached for information.

This report has been prepared in order to advise Members on the current situation regarding the application.

Following that meeting, a series of meetings have taken place with officers of the District and County Council, Town Council, and relevant landowners to progress the development brief.

This Council has also hired Stuart Turner Associates of Milton Keynes to prepare a Design and Development Brief to guide the development to take an independent view. The original intention was that this work would produce a series of options that could be presented to the public on 27th November. This would then have led to development of a preferred option and a final Design and Development Brief for everyone to sign up to before Christmas 2004.

However, on 3rd October this Council advertised the 'Disposal of Open Space' regarding the area of land required to link the development with Tavistock Avenue. Since the advert a petition and around 60 letters of objection have been received, the bulk of the concerns focusing on the loss of open space, but mainly traffic impact on safety and congestion. A decision was made by the Head of Planning Services to hire independent transport consultants to assess the transport options and safety issues, using up to date traffic survey material. The company URS of Horne Lane, Bedford have now been hired and they will finish their work by Christmas 2004. Residents have been informed of this decision.

It is hoped that it will then be possible to marry the transport work with the Design and Development Brief and go to consultation on the options by January 2005 at the latest with a six week period for response prior to reassessing the content of the Draft Brief.

RECOMMENDATION

The Authority of Members is sought to continue to progress the development brief prior to the making of any decision on the application. In light of the observations made thus far, a deferral to the Development Control West Committee on the 10 May 2005 is requested. This application will not be brought back until the Development Brief has been approved by this Council.

Development Control (West) Committee 28 September 2004

The Purpose of this Report

At the meeting on 25 May 2004 Members resolved to defer this application in order that a Development Brief could be prepared for the wider area of land to the east of the bypass, and that further investigation could be undertaken on the access to the site. The deferral was for three cycles.

A copy of the original report to Committee is attached for information.

This report has been prepared in order to advise Members on the current situation regarding the application.

Meetings have been held between the relevant land owners and Planning Officers. There is a positive agreement to the preparation of a Development Brief as an appropriate way to take the development potential of this land forward. There is, however, currently a staffing issue as resources in the Planning Policy Teams are

already heavily committed with on-going projects. As a result the two primary land owners, Lisscourt Ltd and Hallam Land Limited are being asked to help to fund the preparation of a Brief by external consultants. Their final agreement to this is currently awaited. Given this agreement, it is anticipated that an urban design consultant will undertake the preparation of a brief, with a draft prepared for November and a final submission for adoption as supplementary planning guidance potentially being available at the end of 2004.

Members are therefore asked to agree to a further deferral of this item, pending the completion of this on-going work.

CONCLUSION AND RECOMMENDATION

The Authority of Members is sought to continue to prepare a Development Brief for the area. In light of the observations made thus far, a deferral until the end of 2004 is requested.

Development Control Committee 25 May 2004

Site Location:

The site is approximately 1.35 Ha in size and lies to the west of the town of Ampthill with an existing access directly onto the A507. It is a vacant and unused site previously used for open storage of vehicles. The site is surrounded by residential to the north east and south east, woodland directly to the east, allotments to the south and a commercial building to the north. The A507 bypass lies directly to the west, with the Station Road Industrial Estate located on the other side of the road which has a mix of existing B1, B2 and B8 uses.

This application is seeking outline consent for residential development with only means of access to be considered. All other matters are reserved. Access is proposed to be taken through the adjoining Morgana works site onto Station Road.

For Members awareness, outline application ref: 03/697 seeking residential development on this site with proposed means of access to be taken directly off the A507 was refused in June 2003 for three reasons. The applicant failed to: firstly, demonstrate that this site is suitable for residential use, secondly, to demonstrate that the proposed residential development will be a sustainable form of development as it did not provide any potential to properly integrate with the existing urban area of Ampthill and did not offer the use of modes of transport other than the car and, thirdly, t

PPG:

PPG1 - General Policy & Principles

PPG3 - Housing

PPG13 - Transport

PPG24 - Planning & Noise

**Policy + SPG:
(Structure Plan + Mid Beds Local Plan)**

Beds Structure Plan Adopted 1997 policies 1, 8, 20, 25 and 34

Mid Beds Local Plan Adopted 1993 policies BE1, H7

Mid Beds Local Plan First Review Deposit Draft incorporating proposed modifications November 2003 policies DPS1, DPS5, DPS10, DPS11, DPS14, DPS19, DPS20, DPS24, H02, H05, H06, SR5, PHS6 applies

Planning History

03/697/OUT Permissions dating back to the 1980's for maintenance workshop and vehicle storage, porta-cabin building in 1985 and a refusal for outline retail foodstore in 1995.
Outline: residential development, all matters reserved except means of access. Refused 26.6.03

**Representations:
(Parish & Neighbours)**

Amphill TC No objection in principle, however concerned:
- that any development of the site should be integrated into Amphill via suitable access and exit routes into the site,
-about additional traffic movements into Station Road, this is part of the safer routes to school and exit for MBDC offices. At certain times of the day the level of on street parking results in only sufficient width for one vehicle,
- suggest the traffic flow and traffic management in Station Rd & the Crescent need to be considered as part of this proposal. Should look for additional access into the site.

Adj Occupiers 3 letters concerned about the number of houses proposed, additional traffic will be generated along Station Road to the detriment of highway safety. It has limited visibility and problems of congestion at its entrance/exit onto Dunstable Street, on-street parking, two schools and problems of gridlock. Lack of consultation.

Consultations

CC (Highways) No objection subject to conditions and a Section 106 Legal Agreement

Env Agency No objection

Wildlife Trust No objection. Numerous comments made with regard to the details of the proposal including any open space within the development should benefit people & wildlife, landscaping & planting be sensitive to needs of wildlife, where possible existing ecological features such as hedgerows, mature trees & ditches should be retained, works should not take place during the breeding bird season or harm adjoining sites one of which is Coopers Hill County Wildlife site.

Amenity Society	Extremely concerned about this development site. There will be huge traffic implications so close to a school entrance and also coming out at the inadequate mini roundabout onto Dunstable Street, with poor visibility.
Int Drainage Board	The IDB notes that the proposed method of storm water disposal is by way of soakaways. Soakaway drainage may not operate successfully in this area. Planning consent should be conditional on surface water details.
Amphill Business Initiative	Object - due to the loss of a sizeable commercial site, the site is not suitable for residential use due to its proximity with the industrial area opposite leading to resident complaints about noise etc, the continued use of the site for commercial uses would provide a buffer between the residential and industrial area, commercial use of the site would ensure local jobs.

Determining Issues

The main considerations of the application are:

1. Principle of development - Impact on Locality
2. Highways - Contamination
3. Other issues - Noise
 - Landscape

Considerations

1. Principle of development

Impact on locality

The application site lies within the settlement envelope of Amphill wherein policy stance normally allows the principle of further residential development. The land lies unallocated in terms of the local plan proposals map. It is considered that the proposal for residential development would make use of under-utilised land. The site has previous open storage consent and was used for storing vehicles up until 2001. It is vacant at present and currently advertised for let. A few temporary structures remain on site which appear to have been there for some time.

The applicant has stated that he considers that a development focussed on Station Road will mark the northern limit of this part of Amphill along the Bypass Road. Further to the north is a change from urban to rural character with woodland on the other side of Station Road. The Local Plan Inspector has recommended that land further to the south of the site be allocated for housing development. The applicant argues that in visual terms the urban form would be consolidated by the development of this site.

It is noted that the application site would not physically be joined to the land identified by the Inspector for housing, being separated by the existing allotments and a thin strip of other land. However, there is concern about the sustainability of redeveloping this site for residential development. Whilst the revised means of access now offers the use of modes of transport other than the car such as pedestrian and cycling access directly onto Station Road which is an improvement from the previously refused application ref: 03/697, in wider strategic terms there are concerns that it will

lead to unco-ordinated piecemeal development in the area contrary to the policies and objectives in the local plan. The site will only be separated by one field from that area now recommended to be an allocation site within the Proposed Modifications under policy (H08(6A) for about 150 dwellings with access to be taken directly off Tavistock Avenue. Were an application to be submitted for the remaining field between these two sites this could result in far wider issues being raised about vehicular access and its impact on the highway network and the overall form of built development on the character and appearance of the area. A development brief is required to guide development on the allocation site. It is considered that the development brief should therefore encompass a wider area to include land to the north up as far as Station Road including the site which forms this application. However, until such time as a development brief has been produced and adopted it is not considered that any detailed reserved matters can properly integrate with the existing urban area of Ampthill.

The applicant has been approached in respect of undertaking a joint development brief, but has clearly indicated that they wish the application determined as set out. The principle of development, although is supported, the integration issue is clearly unresolved. Given that this site is isolated the integration issue becomes a material consideration of some significance. It is suggested that the applicant contributes via the Section 106 Legal Agreement to that process, to enable a joint brief to come forward

Contamination

Also, the principle of development of this site for housing needs to be considered in the light of the following comments. Given the history of the site and its previous uses the concern regarding land contamination formed part of one of the reasons for refusal on the previous application due to insufficient information. However, in support of this application a Geo Environmental Desk Study report has been submitted for consideration which concludes that the risk of the site of contamination being present on the site is low. This has been assessed by the Environmental Health Officer and subject to a suitably worded condition regarding further details of how any land contamination, if any, will be mitigated against then this part of the scheme is acceptable.

Noise

There is also the issue of noise to be considered for any future residential occupiers of the site in relation to road traffic noise as the site lies directly adjacent to the A507 which is a strategic network, and in terms of noise and air quality issues as the site lies opposite the existing industrial estate. This formed part of one of the reasons for refusal in the previous application. Officers were concerned that the proposal to develop this site will mix residential with existing B2 uses associated with the industrial area. B2 uses are not normally considered acceptable close to residential properties because of problems which can arise such as noise and disturbance, dust and odours adversely affecting residential amenity.

No noise survey has been submitted to support this second application. However it is noted in the recently approved application for residential development on the immediately adjoining site the Morgana Works (ref: 03/1468/Full) that a recent noise survey has been undertaken for that scheme. Given how up to date that report is and that it applies directly to the immediately adjacent site it is considered that its conclusions on noise issues can also be applied to this site. That report states that

there have been complaints to Environmental Health Officers alleging noise nuisance from Amphill Scrap from existing residents in the area. Complaints have also been received in the past regarding clouds of acrid smoke caused by the burning of plastics and rubber still attached to scrap metal entering the fragmentiser. Amphill Scrap processes more than 100,000 tonnes of scrap metal each year, with the fragmentiser processing 1500 tonnes per week. The separation of metals creates intense heat inside the frag causing any remaining plastics, fabric, rubber attached to metal components to burn. The process is regulated by the Environment Agency, as the company requires a waste management license to operate. On occasion fires occur, therefore, at times it is possible that the proposed development would be affected by emissions from this process.

Noise from Amphill Scrap takes the form of machinery noise and sporadic violent explosions caused by LPG bottles or partially filled/full petrol tanks entering the fragmentiser. The End of life Vehicle Directive is now in force and therefore all vehicles should be depolluted prior to entering the fragmentiser. As a result, the number of explosions should be greatly reduced. Their frequency is already sporadic, and on operation under the new regulations, should be reduced to occasional accidental instances only. At such a level, it is considered by officers that it would be unreasonable to resist development on this site when development has been authorised on the Morgana site, although it is acknowledged that their occurrence causes disturbance to a wide area of the town. With regard to the problems arising from Amphill Scrap it is felt that whilst these are very legitimate concerns there are insufficient grounds to raise objection that would be upheld on appeal particularly since the problem is likely to cease in the future and in view of the very sporadic nature of the nuisance

The noise survey undertaken for the adjoining site under ref: 03/1468/Full shows that noise from the A507 is dominant and having reviewed the noise report accompanying that application the Environmental Health Officer is confident that this source can be resolved by condition.

In assessing this application, the Environmental Health Officer has stated that whilst the site is not ideally suited for residential development it would be difficult to defend a refusal on these grounds given that there is no objection to the Morgana site next door. Therefore it is suggested that conditions should be attached requiring a noise survey to be undertaken in accordance with PPG24 and a scheme for protecting the proposed dwellings should be submitted and approved. The agent has also suggested in writing that a substantial screen bund could be constructed along the A507 frontage of the site. Whilst bunding may not be appropriate visually in this location there are other methods of dealing with noise. Again, this issue will need careful consideration at the reserve matters stage.

Landscape

The A507 frontage is very important visually as it acts as a strong buffer to the built development further to the south where there is a strong visual tree hedge screen. In relation to this site the height of the land above the A507 works against the site at present as any development would be intrusive in the wider context. Therefore, there is a need for a significant landscape buffer belt to run the length of the western boundary of the site. This may be able to take the noise mitigation measures at the same time, but it is difficult to be sure as there are no details of the development at this moment in time. The width of such a landscape buffer could be 15 to 20 metres

and still require careful design work to articulate building form and height to produce a development that is not intrusive visually but also integrated with the rest of the town. If the principle was acceptable then an appropriate condition setting out the need for a sensitive buffer landscape zone along the western boundary could be produced.

2. Highways

Existing vehicular access to the site is achieved via a simple access junction directly off the A507. A03/1468/Full provision for emergency vehicles to remove the barrier in exceptional instances. A Section 278 Agreement is required because the application proposes off-site modifications to Station Road. The Section 278 will also be required to cover footway/cycle improvements including the ability to cycle to the A507 from Station Road, an activity which is presently prohibited.

With regards to this application the Highways Authority has confirmed that it has no objection to the proposal taking access off Station Road through the Morgana Site, provided that off site highway works similarly required under ref: 03/1468/Full are also conditioned to this proposal, and that the existing access onto the A507 be permanently closed. Under no circumstances will the Highways Authority support access onto the A507. In addition a residential development on this site will require a financial contribution towards Safe Routes to Schools to be included within a Section 106 Legal Agreement. Therefore, from a technical highway safety viewpoint, there is no objection from the Highways Authority for residential redevelopment of this site together with the Morgana site to warrant a reason for refusal.

Whilst the adjoining application for residential development under 03/1468 was approved with a condition attached restricting no more than 16 dwellings to be accessed onto Station Road from that site, this is a separate application and has to be determined on its own merits. Given that the highways authority has no objection to a further residential development being accessed onto Station Road by gaining access through the Morgana premises on the same line as the recently approved development on that site there are no sustainable highway reasons for refusing this application on highway grounds.

It should be noted that if the adjoining application for residential development is not implemented, it would not restrict the development of this site for housing development subject to sorting out the technicalities of demolishing part of the adjoining Morgan works building and providing adequate visibility splays.

3. Other issues

The proposal is outline with only means of access to be considered as this stage, therefore, issues such as the effect of any residential development on adjoining residential amenity cannot be fully assessed due to no information being available on siting, design, screening etc.

Mix and density of any residential development will need to be provided in accordance with PPG3. However, the number of dwellings does not form part of this application and the issue of mix and density cannot therefore be considered when determining this application.

There is a Tree Preservation Order on the application site. It is considered important that the trees around the periphery of the site should be retained and that no development within 15 metres of the base of any of these trees takes place. This would need to be addressed within any layout submitted together with a full and detailed landscaping scheme. Although details of landscaping and siting are reserved matters and these issues cannot be considered when determining this application appropriate conditions can be attached to protect the existing trees.

There would be a requirement to provide on site play provision, informal sporting space and amenity open space. No off site contributions relating to open space requirements has been identified due to the level of surplus in the area.

In accordance with Policy H02 a requirement of 28% affordable housing would need to be provided on this site divided across the mix of tenures as stated in the recently undertaken housing needs survey.

Together with an element of affordable housing, cycleway and educational financial contributions, and offside highway works are likely to be required within a Section 106 Legal Agreement with any approved scheme on this site.

Conclusion

In principle the use of this land for residential purposes is acceptable. It is therefore considered on balance to approve the application subject to a Section 106 Legal Agreement being completed first. The Section 106 will require affordable housing up to 28%, cycleway and education contributions, off-site highway works, a possible financial contribution towards the development brief process. Regardless of this decision on this application work on a development brief for the wider area needs to start as soon as possible so that some basic principles can be established to allow development to come forward with the knowledge that future applications could be supported.

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 three 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 three 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.

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.

DECISION

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