

Item No. 8**SCHEDULE B**

APPLICATION NUMBER	CB/10/01101/FULL
LOCATION	Land Off, Swaffield Close, Ampthill, Bedford
PROPOSAL	Full: Proposed residential development - Erection of 36 dwellings, access, public open space, children's play area, allotments, landscaping and associated works.
PARISH	Ampthill
WARD	Ampthill
WARD COUNCILLORS	Cllr Summerfield & Cllr Duckett
CASE OFFICER	Julia Ward
DATE REGISTERED	09 April 2010
EXPIRY DATE	09 July 2010
APPLICANT	The Trustees of Bedford Estates
AGENT	Bidwells
REASON FOR COMMITTEE TO DETERMINE	Cllr Summerfield has called to Committee due to the impact of the proposal on residents' amenities and impact on traffic in the area.
RECOMMENDED DECISION	Full Application - Granted

Reasons for Granting

The proposed development, by reason of its design, appearance, layout, scale, massing, access arrangements, relationship to the historic environment and adjacent County Wildlife Site, would not have a detrimental impact on the character and appearance of Ampthill Conservation Area, residential amenities of neighbouring occupiers, ecological value of the surrounding area and the site itself, nor an adverse impact on the access and egress arrangements onto Bedford Street or traffic generation in the area. The proposal is therefore in conformity with policies CS1, CS2, CS3, CS4, CS5, CS7, CS14, CS15, CS16, CS17, CS18, DM2, DM3, DM4, DM9, DM10, DM13, DM14, DM15, DM16, DM17 of the Core Strategy and Development Management Policies (adopted 2009); saved policy HO8 (5) - Land adjacent to Swaffield Close permitted for residential development (approx. 50 dwellings) - from Mid Bedfordshire Local Plan (adopted 2005); PPS1 - Delivering Sustainable Development, PPS3 - Housing, PPS5 - Planning for the Historic Environment, PPS9 - Biodiversity and Geological Conservation, PPG13 - Transport, PPG17 - Planning for Open Space, Sport and Recreation and PPS25 - Development and Flood Risk; Design Guide for Central Bedfordshire including Supplements DS1: New Residential Development and DS5: The Historic Environment, and Mid Bedfordshire District Landscape Character Assessment (August 2007).

Recommendation

That Planning Permission be granted subject to the completion of a satisfactory S106 agreement and the following conditions:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **Before development is undertaken on site, full details of both hard and soft landscaping, including a revised Landscape Strategy, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **proposed finished levels or contours;**
- **materials to be used for any hard surfacing;**
- **proposed and existing functional services above and below ground level;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**
- **details of existing trees and hedgerows on the site, indicating those to be retained and the method of their protection during development works.**

The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

- 3 **Development shall not begin on site until details of the junction between the proposed estate road and the highway have been approved by the Local Planning Authority. No building shall be occupied until that junction has been constructed in accordance with the approved details.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highways and the proposed estate road.

- 4 **Development shall not take place on site until detailed plans and sections of the proposed road(s), including gradients and methods of storm water disposal, have been approved in writing by the Local Planning Authority. No building shall be occupied until the section of road which provides access thereto has been constructed (apart from final surfacing) in accordance with the approved details.**

Reason: To ensure that the proposed roadworks are constructed to an adequate standard

- 5 **No development shall begin on site until wheel-cleaning facilities have been provided at all site exits in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development commences and the Site Developer(s) shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the development has been substantially completed or until such time as the Local Planning Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 6 **No development shall begin until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

Reason: To ensure adequate off-street car parking during construction in the interests of road safety

- 7 **Development shall only be carried out using foundations details of which shall have been previously agreed in writing by the Local Planning Authority to include the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavations on site, insofar as they may affect trees and hedgerows on or adjoining the site.**

Reason: To ensure the protection of trees and hedgerows to be retained, and in particular to avoid unnecessary damage to their root systems.

- 8 **Before development is undertaken on site, details of the final ground and slab levels of the dwellings hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include reference to both the site and adjoining properties. Thereafter, the development shall be implemented in accordance with the approved details.**

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

- 9 **Before development is undertaken on site, a scheme of works to upgrade the surface of Public Footpath No. 11 shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed scheme shall be implemented prior to the occupation of any dwelling on the site.**

Reason: In order to protect the footpath's surface from additional usage that will result from the development.

- 10 **Development shall not be undertaken on site until a surface water drainage scheme for the site, based on sustainable drainage principle, has been submitted to, and approved in writing by, the Local Planning Authority. Details of the future management and maintenance of the scheme shall also be submitted. The approved scheme shall be constructed in accordance with the approved plans before any part of the development is brought into use and the scheme shall be implemented and managed/ maintained in accordance with the approved details.**

Reason: To prevent the risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of these.

- 11 **Before development is undertaken on site, the following documentation shall be submitted to, and approved in writing by, the Local Planning Authority:**

a) A Phase I Desk Study incorporating a site walkover, site history, maps and all features of industry best practice relating to potential contamination;

b) Where shown to be necessary by the Phase I Desk Study, a Phase II Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling;

c) Where shown to be necessary by the Phase II investigation, a Phase III detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment;

d) 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 Phase VI validation report to incorporate photographs, material transport tickets and sampling.

Any remediation scheme and any variations shall be agreed in writing with the Local Planning Authority before development is undertaken on site. This should include responses to any unexpected contamination discovered during works on site.

Reason: To protect human health and the environment.

- 12 **Before development is undertaken on site, full details of all proposed external lighting on the site, including a scheme for dusk to dawn lighting of communal parking courts, shall be submitted to, and approved in writing by, the Local Planning Authority. the approved lighting shall be implemented prior to the first occupation of any dwelling utilising the spaces within the parking courtyards.**

Reason: To ensure that the security and attractiveness of the development, including the parking courts, is maintained.

- 13 **Before development is undertaken on site, a scheme detailing access provision to and from the site for construction traffic, clearly indicating what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be operated throughout the period of construction works.**

Reason: To ensure the safe operation of the road network in the interests of road safety.

- 14 **Before development is undertaken on site, details of the method of disposal of foul sewage for the site shall be submitted to and approved by the Local Planning Authority. The approved drainage works shall be constructed in accordance with the approved plans before any part of the development is brought into use.**

Reason: To ensure that adequate foul water drainage is provided to prevent pollution of the surrounding environment.

- 15 **Notwithstanding any information submitted in support of the application development shall not be undertaken on site until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the Local Planning Authority. The boundary treatment in accordance with the approved details before the buildings are occupied.**

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

- 16 **Before development is undertaken on site, full details of a scheme for the protection of Ampthill Country Park County Wildlife Site, including appropriate boundary fencing, during construction works, shall be submitted to and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details.**

Reason: To protect Ampthill Park County Wildlife Site and to prevent to discharge of materials of contaminants into this area

- 17 **Before development is undertaken on site, a Site Waste Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved plan.**

Reason: In the interests of the satisfactory removal of waste materials from the site.

- 18 Any retaining walls within the site and forming part of the development hereby permitted shall be constructed in facing materials to match those used on any immediately adjacent building unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.

- 19 **The mitigation measures included within the submitted habitat surveys (ref: Ecological Assessment, February 2010 & Reptile Survey Report and Mitigation Strategy, June 2010) shall be implemented to the satisfaction of the Local Planning Authority and in accordance with a timetable to be agreed in writing by the Local Planning Authority before development is undertaken on site.**

Reason: In the interests of nature conservation and the amenity of the area.

- 20 **Before development is undertaken on site, full details of the proposed play area, including play equipment and a boundary fence, and areas of public open space, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved plans.**

Reason: To ensure the satisfactory provision of open space and play areas within the development

- 21 **Before development is undertaken on site, full details of the design of the proposed electricity sub-station shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.**

Reason: In the interests of the visual amenities of the area.

- 22 The development shall at no time obstruct the public footpath/ rights of way adjoining the site.

Reason: In the interests of pedestrian safety.

23 Prior to the occupation of any dwelling on site, full details of the management and maintenance of all communal areas, including parking courts, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure their availability to residents and to ensure that they are appropriately maintained in the interests of visual amenity.

24 Any removal of trees, scrub or hedgerow should take place outside the bird breeding season of March to August inclusive. Should any vegetation have to be removed during, or close to, this period, it should first be thoroughly assessed by a suitably experienced ecologist as to whether it is in use by nesting birds, appropriate mitigation measures suggested if necessary, and then agreed in writing with the Local Planning Authority.

Reason: To protect breeding birds.

25 The garages hereby permitted shall be kept available for the parking of motor vehicles at all times. The garages shall be used solely for the benefit of the occupants of the dwellings of which they form a part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: Having regard to current highway guidance and the intensively developed nature of the site, to retain off-street parking which could adversely affect the convenience of road users.

26 The development shall be implemented in accordance with the submitted materials schedule ref: AA1557-17.0-002, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a high quality development within the Conservation Area and in close proximity to Ampthill Park.

27 No shrubs or hedges on the site shall be removed or cut down without the prior written consent of the Local Planning Authority.

Reason: To safeguard the existing shrubs and hedges on the site in the interests of visual amenity.

28 The soil levels within the root spread of the trees/ hedgerows to be retained shall not be raised or lowered.

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

29 The burning of materials shall not take place where it could cause damage to any tree or tree group to be retained, either on site or on adjoining land.

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

- 30 The scheme approved in Condition 2 above shall be carried out in accordance with a timetable previously agreed in writing by the local planning authority. Thereafter the planting shall be adequately maintained for a period of five years from the date of planting. Any of the trees or shrubs or both which die or are removed, or which become severely damaged or seriously diseased (during the said period of five years) shall be replaced with trees or shrubs or both, as the case may be, of similar size and species to those originally required to be planted and the same shall be maintained until properly established.

Reason: In order to ensure that the planting is carried out within a reasonable period in the interest of the visual amenities of the area.

- 31 The promotion of sustainable travel associated with this development shall be implemented in accordance with the approved Transport Statement and Travel Plan (MEC, ref: 20011/TR/07-10/3024 rev A) dated July 2010 and shall include the following agreed measures;

- * Appointment of a Travel Plan Co-ordinator;
- * Agreed Targets;
- * Marketing and promotion of sustainable transport choices including the provision of welcome packs to include site specific travel and transport information: travel vouchers; maps showing the location of shops, recreational facilities, employment and educational facilities; details of relevant pedestrian, cycle and public transport routes to/ from the site; copies of relevant bus and rail timetables;
- * Monitoring upon first occupation and annually thereafter for a period of five years.

Reason: For the avoidance of doubt and to reduce reliance on the private car.

- 32 The structures to be located in the rear gardens for the parking of cycles as shown on drawing ref: AA1557-2.1-001B and to be located within the building as shown on drawing ref: AA1557-2.1-003B shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose. Development shall not commence until the visual appearance of the freestanding structures has been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport

- 33 If the road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.

Reason: To avoid the need for vehicles to reverse into or from the highway in the interests of the road safety.

- 34 Before the premises are occupied, all on-site vehicular areas shall be surfaced in a manner to the Local Planning Authority's written approval so as to ensure the satisfactory parking of vehicles outside the highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the premises

- 35 Notwithstanding any provision 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 commenced for the extension (Class A) or erection of outbuildings (Class E) of plots 17 - 21 and 30 - 36 without the express grant of planning permission.

Reason: To preserve and enhance the character of Ampthill Park and to protect the root systems of trees in and around the site.

- 36 Notwithstanding the approved plans, the proposed gates at accesses serving plots 1 and 2 shall be removed. Any gates provided shall open away from the highway and be set back a distance of at least 5 metres from the nearside edge of the carriageway of the adjoining highway.

Reason: To enable vehicles to draw off the highway before the gates are opened.

- 37 If during development works, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of protecting the quality of groundwater in the area.

- 38 **Before development is undertaken on site, full details of the storage of rubbish bins, including bin collection points, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details.**

Reason: In the interests of the visual amenity of the area.

- 39 **Before development is undertaken on site, full details of the proposed gates to the allotments, including appearance, height, method of opening, maintenance and management of the gates, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.**

Reason: In the interests of the visual amenity of the area and to protect the route of the public footpath adjacent to the allotments.

- 40 **The dwellings hereby approved shall not be occupied until a Traffic Regulation Order has been implemented in Swaffield Close restricting on street parking to a residents only scheme, unless an alternative scheme to control on street parking has been agreed in writing with the Local Planning Authority.**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway.

Notes to Applicant

1. 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 Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Amphill Road, Bedford MK42 9BA 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 the 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.
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 developer's expense to account for extra surface water generated. Any improvements must be approved by the Highways Development Control Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.

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 Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN.
4. The applicant is advised that if it is the intention to request Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Highways Development Control Group, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
5. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.
6. Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during of after development, the Environment Agency should be approached for approval of measures to protect water sources separately.
7. Anglian Water has assets close to or crossing the site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate these assets within either prospectively adoptable highways or public open space. If this is not practicable, then the applicant will need to ask for the assets to be diverted under Section 185 of the Water Industry Act 1991, or in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
8. The applicant is advised that the relevant law protecting species should be complied with, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of Circular 06/2005.
9. Please note that this planning permission is subject to a legal agreement (S106 agreement).

[Notes: In advance of consideration of the application the Committee were advised of consultation received as set out in the Late Sheet attached to these Minutes.]