

**Item No. 09****SCHEDULE B**

<b>APPLICATION NUMBER</b>	MB/08/02093/FULL
<b>LOCATION</b>	<b>SHEFFORD TOWN FOOTBALL CLUB, IVEL ROAD, SHEFFORD</b>
<b>PROPOSAL</b>	<b>FULL: RESIDENTIAL DEVELOPMENT COMPRISING 59 HOUSES AND APARTMENTS, WITH ASSOCIATED ACCESS ROAD, PARKING FACILITIES AND AMENITY SPACE.</b>
<b>PARISH</b>	Shefford
<b>CASE OFFICER</b>	Anne Sanné
<b>DATE REGISTERED</b>	04 November 2008
<b>EXPIRY DATE</b>	03 February 2009
<b>APPLICANT</b>	Lagan Homes and Coleman Properties Ltd
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>MAJOR DEVELOPMENT WITH OUTSTANDING OBJECTION FROM SHEFFORD TOWN COUNCIL</b>
<b>RECOMMENDED DECISION</b>	<b>S106 PENDING</b>

**Site Location:**

This is a 1.5 ha site located to the west of Ivel Road in Shefford, which has lain unused for a number of years but was until 1998 home to the Shefford Town Football Club. To the northern boundary is a brick built earth retaining wall varying in height from 2 to 5 m though the site itself is relatively flat. To the southern boundary is a drainage ditch with hedgerow, and to the west the site is open to the flood meadows of the River Hit.

**The Application:**

The scheme proposes the erection of 59 dwellings in a mix of 2 one bed roomed and 14 two bed roomed flats and 11 two bed roomed, 13 three bed roomed, and 19 four bed roomed houses. These comprise a mix of terraced, semi detached and detached properties. Most are of two stories, but 9 units are of two and a half storey proportions with dormer windows in the roofline.

The development would present a frontage onto Ivel Road, and another onto the open space behind the site (off Old Bridge Way). Access within the site would be into two distinct cul de sac heads so that there would be no vehicular access through the site. Though development would face Old Bridge Way there would be no direct access link to the west, this area comprising an access road facing onto a greensward and contained by a post and rail fence.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS9	Biodiversity and Geological Conservation
PPG13	transport
PPG16	Archaeology
PPG17	Recreation and Open Space
PPS22	Renewable Energy
PPS23	Pollution Control
PPG24	Noise
PPG25	Flood Risk

### **Regional Spatial Strategy**

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

### **Bedfordshire Structure Plan 2011**

Policy Infrastructure  
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### **Mid Bedfordshire Local Plan First Review 2005 Policies**

LPS1 – Selected Settlements  
LPS4 – Settlement Envelopes  
DPS5 – Protection of Amenity  
DPS9 – Open Space for New Dwellings  
DPS10 – Highways Provision for New Developments  
DPS11 – Landscaping for New Developments  
DPS12 – Character of Village Ends  
DPS16 – Trees and Hedgerows  
DPS17 – Surface Water Drainage  
DPS19 – Public Transport/Cycling  
DPS20A – Management of development Waste  
DPS23 – Crime Prevention  
SR5 – Provision of Recreational Open Space  
HO2 – Affordable Housing  
HO4 – Housing Mix  
HO6 – Location of New Residential Development  
HO8(19) – Land at Shefford Town Football Club  
HO9 – Impaired Mobility Dwellings  
TP1 – Access for Cyclists & Pedestrians

## Supplementary Planning Guidance

Cycle and Walking Strategy for Mid Beds 2000  
Recreational Open Space Strategy 2005  
Mid Beds Cycle Route Mapping Project 2001  
Wildlife in Development 2003  
Affordable Housing 2004  
Design Guide for Residential Areas in Mid Bedfordshire 2004  
Bedfordshire and Luton Waste Local Plan 2005  
Planning Obligations Strategy 2008

## Planning History

96/01341/OUT Outline application for residential development, all matters reserved. Approved 04.05.04 subject to a legal agreement.

05/01364/S73 Variation of condition 7 of planning permission 96/01341/OUT regarding visibility splays. Application disposed of due to failure to progress necessary variation of legal agreement.

07/00889/OUT Outline: Residential development with all matters reserved except access. Resolution to approve 19/10/2007 pending completion of legal agreement. Application disposed of due to failure to conclude 106 negotiations.

## Representations: (Parish & Neighbours)

Shefford TC Object. Dispute that the proposal should be replaced by junior pitches and wish to see replacement construction of an adult pitch as proposed through Town Plan. Disagree with traffic survey as consider Ivel Road already has major traffic problems. Wish to see a replacement pitch facility and not finance. Lack of pedestrian access. Drainage ditch to south is not owned by developer and could lead to access problems.

Adj Occupiers and site notice New Road Developments Ltd - Challenge to accuracy of certificates with the application. Challenge proposed floor levels proposed lower than a previous flood risk assessment. Scheme fails to provide a pedestrian link to Old Bridge Way, play equipment or integrated open space. Concerned that there is no replacement for football facilities.  
Beechwood House, 7 Beechwood Rise (1) - Concern that High Hedges legislation could lead to need to remove adjacent hedgerows which screen properties on higher ground. Concerned that proposed floor levels inappropriate for site and

that Flood Risk Assessment inaccurate. (2) *Following revision to scheme to address High Hedges legislation*- ask that root protection zone is protected by condition.

72 Ivel Road - Traffic Assessment does not properly reflect traffic flow in Ivel Road. Access directly onto Ivel Road will cause increased noise and pollution. Concern also at implications for junction of Ivel Road and Clifton Road. Site should be reverted to a football facility rather than having a replacement facility more distant from the residential areas.

### **Consultations/Publicity responses**

Forest of Marston Vale	Note that the application is likely to trigger contributions under the Planning Obligation Strategy
Beds CC Archaeology	No objection.
MBDC EHO	No objection subject to condition re contamination.
RSPB	No comments
Sport England	Seek 106 agreement for replacement football facilities in connection with development, which must be of equivalent or better quality.
Natural England	Wish to see a condition imposed to require reptile surveys and avoidance of impact on nesting birds.
Beds CC Planning	Request contribution towards education facilities at lower and middle school level.
PALO	No objection subject to acceptable lighting in communal areas by a management organisation to ensure supply.
MBDC Disability Officer	No comments.
MBDC Waste Officer	Details acceptable.
PCT	Seek contributions towards development of local facilities to meet needs of development.
Beds CC Highways	No objection subject to conditions and to provision of funding through 106 for zebra crossing in vicinity of Clifton Road/Hitchin Road roundabout.
Environment Agency	Following revision to detail of scheme have no objection but request condition to require minimum ground floor level.

MBDC Tree Officer	Initially had concerns over impacts of existing conifer hedge on western boundary of site. Following revision to detail of scheme proposals now satisfactory. Care will need to be taken over construction of parking court to serve flats – this can be conditioned, and protection needed for hedgerow to south. Conditions recommended.
Beds Fire Service	No response
Shefford Saints Football Club	No response
IDB	Satisfied with proposed minimum floor levels and clearance to ditch for future maintenance purposes. Advisory information given for developer. No objection to grant of planning permission.
Beds CC Minerals and Waste	No response
Beds CC Ecology	No response
The Wildlife Trust	No response

## **Determining Issues**

The main considerations of the application are;

1. The Principle of Development
2. Affordable Housing and Education
3. Archaeology
4. Waste Audit
5. Ecological Survey
6. Drainage Matters
7. Play, Sport and Amenity Space
8. Highways and pedestrian access
9. Section 106

## **Considerations**

### **1. The Principle of Development**

This site is within the settlement envelope for Shefford and is allocated for development through Policy HO8(19) of the Local Plan First Review 2005. The allocation seeks an appropriate mix of approximately 40 dwellings to reflect Policy HO4 (mix of sizes of units). The allocation requires the suitable relocation and enhancement of the football club grounds and facilities or an equivalent

financial contribution and appropriate landscaping of the site where it adjoins riverside land. Thus the development will meet the requirements of Policy SR4 which seeks to protect sports facilities.

There is therefore no objection to the principle of development of the site.

There has recently been an outline application for the site, for which a resolution to approve was agreed. However, the scheme did not proceed to the granting of a planning permission because negotiations on the necessary 106 could not proceed. The application was therefore “disposed of”. The scheme was similar to that which has now been submitted for the site and this time seeks full planning permission.

The site is devoid of any significant tree planting, apart from one mature tree in the south eastern corner of the site. There is also a reasonable hedgerow to this side of the site, which runs alongside the drainage ditch. Greenery at the frontage of the site onto Ivel Road is not of good quality, and the development will need to address the open frontage here.

The scheme proposes the erection of 59 dwellings in a mix of houses and flats. Development is predominantly of two storey proportions, but does include flats over garages and nine two and a half storey units, these being located as focal buildings within the design of the scheme.

## **2. Affordable Housing and Education**

In its allocation of this site for development through Policy HO8(19) the Local Plan does not require the provision of affordable housing or educational contributions because it was acknowledged within the Local Plan process that the replacement football facility requirements exceptionally overrode the normal requirements to provide such infrastructure. This is a matter that was confirmed by the Local Plan Inspector in his consideration of the site.

Although the County Council as education authority at the time of consultation requested the provision of funding to enhance local schools, officers consider the guidance in the Local Plan is clear on this matter, and in the absence of these criteria being included in the specific site allocation, it would be unreasonable and untenable at appeal to seek to now include these matters.

## **3. Archaeology**

Aerial photographs do not show any historic features to the site. Research undertaken indicates that there is only a low risk of encountering finds during the development of this site of pre historic age, a moderate risk for Iron Age, Roman and Medieval times, and a high risk for post medieval and modern periods. Beds County Council have considered these details, and do not object to the development.

## **4. Waste Audit**

The application is accompanied by a Waste Audit that considers waste during

both the construction and occupation phases. The Waste Team have no objection to the scheme. If the scheme is to be approved it is recommended that a condition be included in any permission to be issued to tie the works to this scheme.

## **5. Ecological Survey**

The site has been the subject of an ecological walkover survey, but the conclusion of the survey is that the best potential for the site is for nesting birds, or for common reptiles. Though the site is itself suitable habitat for Great Crested Newts, there are no suitable water bodies to support potential breeding sites. Though there are no roost sites for bats, it is likely that the site provides foraging habitat for them.

Natural England have considered the submitted information and requested further work be undertaken on reptile potential, and that protection is achieved for nesting birds during construction. Both of these matters can be controlled by condition.

An ecological survey has revealed no notable species of flora or fauna, though the lack of maintenance of the land means it is now semi-improved grassland. The walkover report recommends the retention of the hedgerow to the southern boundary. This will be achieved as far as possible, but there will need to be clearance of undergrowth in this area in order to gain proper access for maintenance of the ditch to the southern boundary of the site.

## **6. Drainage Matters**

Part of the application site is within Flood Zone 2. Therefore a Flood Risk Assessment has been prepared to assess the impact of development on this site.

The risks to flooding have been identified as a breach of either the River Hit or the drainage ditch to the southern boundary of the site.

The former would affect a small lower area of the site on its western boundary, which is identified on floodplain maps, and is being proposed predominantly as open space, which will also meet the criteria of the site allocation to provide a landscaped boundary to the river frontage. The FRA details specific flood risk levels, and the Environment Agency and Internal Drainage Board have confirmed, following the submission of additional engineering information, that they have no objection to the proposal subject to the imposition of a minimum floor level for development.

With regard to the ditch the IDB wish to ensure their access to enable future maintenance, and this can be controlled by a combination of design, condition and advisory note.

There remains adequate capacity in the foul drainage network to accept additional flows.

## **7. Play, Sport and Amenity Space**

Policy SR5 of the Mid Bedfordshire Local Plan requires provision on or off site for three types of open space. These may be provided on site, or commuted through a 106 for off site provision.

In this instance, an amount of open amenity space will be provided on site, and the remainder will be commuted.

For sport, provision will be made off site in addition to the provision of the replacement football facility (which will be further discussed below). This may be equated to £192 per occupant for off site provision.

Similarly for play, an off site provision will be made through a 106 contribution.

## **8. Highways and pedestrian access**

The Highways Officer is happy with the submitted details, but has requested a contribution be made towards achieving Safe Routes to Schools locally. This would achieve a zebra crossing in the vicinity of the Clifton Road/Hitchin Road roundabout.

The Town Council and a resident have expressed concern over the use of Ivel Road to serve additional residential traffic as they believe it is already over used. The allocation of the site through the Local Plan, and the previous grant of planning permission at this site establish a precedent for this application. The Highways Officer has not expressed concern over additional traffic movements at either end of Ivel Road.

The Highways Officer has no objection to the proposal subject to the imposition of conditions and advisory notes if permission is forthcoming.

The original application for the site included a requirement to provide pedestrian access to Churchill Way between numbers 18 and 20. This direct access is no longer available because of changing land ownership patterns and so this facility has not been pursued in the context of this application.

## **9. Section 106**

As already noted in the foregoing, education contributions for lower and middle school levels were requested by the County Council when the application was first submitted, but in the context of the Local Plan Inquiry the appointed Inspector withdrew the requirements for both education and affordable housing contributions on the basis that the need to achieve a replacement football facility was of higher priority.

The legal agreement will need to require a replacement pitch facility. Three sites have been proposed in Shefford, two at Hitchin Road and one at Stanford Road, which have been the subject of separate planning permissions. Each of them would potentially provide an appropriate replacement facility for Ivel Road and would be to the satisfaction of Sport England. The provision of the replacement can be made in accordance with a phasing scheme which must achieve an appropriate pitch surface following detailed survey, together with changing and social facilities and on site parking provision. Negotiations have been held in connection with the recent outline application in 2007 with Shefford Saints Football Club, the FA at both national and local level, Sport England, and our own sport development officers, and this has encouraged the concept of the provision of funding for a pavilion which can then be enhanced by match funding to enable the provision of an enlarged facility. The site must be made available by the landowner on a 75 year lease. Officers consider the District Council will need to be involved in these leasing arrangements to ensure that the facility is made available in its wider sense, and is not dependent upon the continuation of any particular organisation.

The previous Section 106 arrangements for the site in 1999 contained a head of term requiring funding to establish a sports trust. However, no such need has been justified in the context of this current application, and the intention, first expressed through the resolution on 07/00889/OUT and supported by the Sports Development Officers at MBDC, is to permit the local team, Shefford Saints (which is presently concentrated on youth soccer for both boys and girls), to be the beneficiary of this development.

Sport England have no objection to the proposed residential redevelopment providing an equivalent or better sports facility is obtained, tied by a legal agreement. They recommend that the agreement will need to ensure that an appropriate alternative pitch and facilities are provided, and its location will need to be agreed before development commences at the Ivel Road site. Though it is normal to have the provision in advance of development taking place, given that this site has already ceased to be used for football they are satisfied that the pitch and facilities need to be linked to the occupation of no more than 50% of the units.

The application has also been considered against the Council's Planning Obligations Strategy. The resolution on 07/00889/OUT predated and so did not include the breadth of contributions now sought through the Strategy, and in the light of the general increase in funding the Strategy would impose, and given that the provision of a new football facility is essential if support is to be given to the redevelopment of this site, officers have negotiated with the developer that in this instance the green infrastructure and Forest of Marston Vale contributions (which would total some £150,000) should be omitted.

106 contributions will need to include:

- the replacement football pitch facility, including pitch, access, parking, pavilion

- £30,000 towards the provision of a zebra crossing on Hitchin Road as part of the Safe Routes to Schools initiative
- Off site sport, play and amenities facilities in accordance with Policy SR5
- Contribution towards enhancement of the local cycle and footway network
- Funding towards enhancement of medical facilities through the Primary Care Trust
- Funding for village and community halls, cemeteries and burial grounds, welcome packs, waste collection and policing all as set out in the Planning Obligations Strategy

## Reasons For Granting

Subject to the applicant entering into the necessary Section 106 agreement as set out above the application is considered to be in conformity with Policies LPS1, LPS4, NC7, DPS1, DPS5, DPS9, DPS10, DPS11, DPS12, DPS14, DPS16, DPS17, DPS19, DPS20A, DPS23, SR4, SR5, H02, HO4, HO6, HO8(19), HO9, and TP1 of the Mid Beds Local Plan First Review 2005 and Technical Planning Guidance Cycle and Walking Strategy for Mid Beds 2000, Recreational Open Space Strategy 2005, Mid Beds Cycle Route Mapping Project 2001, Wildlife in Development 2003, Affordable Housing 2004, the Design Guide for Residential Areas in Mid Bedfordshire 2004, Bedfordshire and Luton Waste Local Plan 2005; and Planning Policy Guidance PPS1 Delivering Sustainable Development, PPG3 Housing, PPS9 Biodiversity and Geological Conservation, PPG13 Transport, PPG16 Archaeology, PPG17 Recreation and Open Space, PPS22 Renewable Energy, PPS23 Pollution Control, PPG24 Noise, PPG25 Flood Risk.

## RECOMMENDATION

APPROVE Planning Permission **Subject to completion of a S106 Legal Agreement** for the application set out above and subject to the following condition(s):

- 1 DG01 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 TL07 **Prior to the commencement of development a scheme setting out measures for protecting all trees, shrubs and other natural features, including the conifer hedge to the boundary with plot 38, during construction work shall be submitted to and approved in writing by the Local Planning Authority. No work shall commence on site until all trees, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with**

**BS 5837:2005;**

- for trees and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;
- for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;
- for other natural features along a line to be approved in writing by the Local Planning Authority.

Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.

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

- 3 U Prior to the development hereby approved commencing 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 detail shall include sections through both the site and adjoining properties, 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 that a satisfactory relationship results between the new development and adjacent buildings.**

- 4 U No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

**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.**

- 5 U Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be

**fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

**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.**

- 6 U Development shall not commence 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 parking during construction in the interests of road safety.**

- 7 U Details of the method of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority before the development is commenced. The surface water drainage system shall be designed to achieve attenuation of storm water discharge to the Greenfield equivalent rate of 4 litres per second per hectare in order to prevent increased flood risk elsewhere. 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.**

- 8 U No work shall commence on the site until a desk study has been undertaken to assess the importance of the site to wildlife, and a full survey has been undertaken of the site to assess its importance for reptiles. Any necessary additional survey work or mitigation of impact of the development shall be undertaken in full accordance with details to be agreed in writing with the Local Planning Authority.**

**Reason: In order to protect wildlife on the site.**

- 9 U Prior to the commencement of any development on the site details shall be submitted to and approved by the Local Planning Authority in writing of automated garage doors to serve plots 54 and 55. The development shall be implemented in accordance with the approved details, and the doors retained in the future unless permission has been given in**

**writing by the Local Planning Authority for their variation.**

**Reason: In order to ensure that vehicles entering the garages do not need to wait across the footway.**

- 10 TL28 **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 before the buildings are occupied. 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.**

- 11 DG17 The permission shall extend only to the application as amended by the submission of documents and revised plans on 18.12.08, 19.12.08, and 23.02.09.

Reason: For the avoidance of doubt and to ensure that the development is implemented in accordance with the plans formally approved by the Local Planning Authority.

- 12 TL02 Full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- materials to be used for any hard surfacing;
- minor structures (e.g. furniture, play equipment, signs, etc);
- planting plans, including schedule of size, species, positions, density and times of planting;
- cultivation details including operations required to establish new planting.

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

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

- 13 EM05 Details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.

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.

- 14 U The development hereby permitted shall be undertaken in accordance with the approved Waste Audit Statement dated 17 October 2008 and submitted in support of the planning application.
- Reason: To ensure that the development conforms with the waste audit requirements in accordance with objectives of Policies W5 and W6 of the Bedfordshire and Luton Waste Local Plan 2005.
- 15 U Before the private accesses are first brought into use a triangular vision splay shall be provided on each side of the new accesses and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.
- Reason: To provide adequate visibility between the existing highway and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.
- 16 U If the proposed 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 interest of road safety.
- 17 TL01 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.
- Reason: In the interests of the visual amenities of the site and the area generally.
- 18 TL08 All works to or affecting trees on or adjoining the site shall be carried out in accordance with the relevant recommendations of BS5837 (2005).

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

- 19 TL09 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 land adjoining.

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

- 20 U Prior to the occupation of the any development approved by this planning permission the developer shall submit to the Planning Authority and have approved, in electronic form where possible:
- a) A detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment posed by any contaminants identified by the Rodgers Leask Site Specific Assessment report previously submitted (Ref No. E07/187 of August 2008).

b) A written confirmation that any and all remedial works have been completed in accordance with the agreed remediation scheme in the form of a validation report to include photographs, material transport tickets and testing of all imported material intended for gardens . The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

All variations to any remediation scheme shall be agreed in writing with the Local Planning Authority.

Any groundwater issues shall be pursued independently through approval via the Environment Agency.

Reason: To protect human health and the environment.

- 21 TL10 The soil levels within the root spread of the trees/hedgerows to be retained shall not be raised or lowered unless permission has been given in writing by the Local Planning Authority.

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

- 22 U The minimum finished ground floor level of any buildings shall be 39.5mAOD (to include private garages and storage buildings) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a sufficient freeboard against flooding.

- 23 U There shall be no removal of vegetation or clearance of the site within the bird breeding season of March to August inclusive unless agreed in writing by the Local Planning Authority.
- Reason: To safeguard and protect breeding birds.
- 24 TL18 A landscape management scheme, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The landscape management scheme shall be carried out as approved.
- Reason: To ensure an appropriate standard of visual amenity in the local area.
- 25 RR08 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 further window or other opening shall be formed on the rear first floor elevation of the building at Plot 59 without the specific grant of planning permission.
- Reason: To protect the amenities of occupiers of neighbouring properties.
- 26 EM11 Prior to the first occupation of the dwelling at Plot 1, the inner lobby window shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and restriction on its opening, details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority.
- Reason: To safeguard the amenities of occupiers of adjoining properties.
- 27 RR08 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 further window or other opening shall be formed on the gable walls of plots 1, 11, or 12 of the development without the specific grant of planning permission.
- Reason: To protect the amenities of occupiers of neighbouring properties.
- 28 U All garages within the development shall be constructed so as to accommodate cycle storage, and prior to the commencement of any development at the site revised plans shall be submitted to

and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In order to ensure that appropriate cycle storage is provided in the interests of reducing the need to use the car.

- 29 U All single garages shall be constructed with the roof style as shown on drawing 51603/130.

Reason In the interests of both the visual appearance of the structure and of the residential amenity of neighbouring dwellings.

- 30 TL26 The parking area to serve the flats at plots 1 to 12 shall be constructed using a “no-dig” method of construction as outlined in Arboricultural Practice Note no.1 (Driveways close to trees).

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

- 31 U All communal parking areas shall be lit during the hours of darkness to an average level of 6 lux and a minimum level of 4 lux, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the appearance of the units, the extent of the areas to be illuminated and the intensity of lighting therein, and details of both the method of operation of the lighting and its future management. The scheme shall be available for use prior to first occupation of any dwelling on the site, and shall be operated in accordance with these details at all times unless an alternative arrangement has previously been agreed in writing with the Local Planning Authority.

Reason: To reduce the risk of criminal activity in the area.

- 32 U Prior to first occupation of the site a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include a local business directory, information on public transport, and information on local pedestrian links and cycle routes. A copy of the Travel Plan shall be provided to each household on first occupation of the dwellings.

Reason: To reduce the need to use the private car.

#### Notes to Applicant

- 1 The applicant/developer is advised that the grant of planning permission

does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences in connection with the ecological value of the site.

- 2 The Internal Drainage Board has forwarded the following advice:  
Surface water discharge must be restricted to the Greenfield equivalent rate. The ditch on the southern boundary of the site is subject to the Board's Bylaw control. No development, including landscaping, fencing or other structures shall take place within 7m of bank top of this ditch without the formal consent of the Board in order that there is access to the ditch for maintenance purposes. This consent must be obtained prior to the commencement of development. Application is by letter and the fee is presently £50.00 per consent. Further information can be obtained from 01234 354 396.  
Attention is also drawn to the content of the letter from the Environment Agency dated 20 March 2009 attached.
- 3 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 Highway Engineer, Central Bedfordshire Council, PO Box 1395, Bedford, MK42 5AN. The applicant is also advised that if any of the works associated with the construction of 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.
- 4 The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers expense to account for extra surface water generated. Any improvements must be approved by the Highways Development Control Group, Central Bedfordshire Council. Further details can be obtained from the Central Bedfordshire Council, Highways Department, PO Box 1395, Bedford MK42 5AN.
- 5 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 Central Bedfordshire Council, Highways Department, PO Box 1395, Bedford MK42 5AN.

- 6 The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
  
- 7 The applicant is advised that if it is the intention to request the Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Control Group, Central Bedfordshire Council, Highways Department, PO Box 1395, Bedford MK42 5AN. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
  
- 8 This permission is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

**DECISION**

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