

Item No. 09**SCHEDULE B**

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

Members resolved that the planning obligation should take the form as set out in the report except that the new sport facility should be available before occupation of more than 25% of the dwellings and the new pitch should accommodate senior football games.

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.