

**Item No. 10****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>MB/09/00524/FULL</b>
<b>LOCATION</b>	<b>LAND AT, BROOKFIELDS, POTTON</b>
<b>PROPOSAL</b>	<b>FULL: ERECTION OF SIX DETACHED DWELLINGS, GARAGES AND COMPLETION OF ACCESS ROAD TOGETHER WITH IMPROVEMENT WORKS TO ADJOINING WORKSHOP</b>
<b>PARISH</b>	Potton
<b>CASE OFFICER</b>	Godwin Eweka
<b>DATE REGISTERED</b>	20 March 2009
<b>EXPIRY DATE</b>	15 May 2009
<b>APPLICANT</b>	Wyboston Lakes Ltd
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>REQUEST BY WARD CLLR MRS GURNEY GIVEN THE RELATIONSHIP OF THE PROPOSED HOUSES TO THE ADJOINING COMMERCIAL PREMISES.</b>
<b>RECOMMENDED DECISION</b>	<b>APPROVE SUBJECT TO S106 LEGAL AGREEMENT</b>

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 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.

- 3 TL02 **Prior to commencement of development 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;
- 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.

- 4      EM16    **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 details shall include sections through both the site and the 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 and public areas.

- 5      U        **Development shall not begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has been constructed (apart from final surfacing) in accordance with the approved details.**

Reason: In the interests of highway safety.

- 6      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 amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.**

- 7 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.**

- 8 U **No development shall take place until a scheme for protecting the proposed residential development from noise from fixed plant within the neighbouring engineering works has been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of plots 14, 15 and 16 such scheme shall be implemented in accordance with the approved details, and shown to be effective and shall be retained in accordance with those details thereafter.**

**Reason: To protect the amenities of the proposed dwellings.**

- 9 CD01 **Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority, in both paper and electronic form where possible :**

**a) A Phase 1 Desk Study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.**

**b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 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 necessary by the Phase 2 investigation, a Phase 3 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 4 validation report to incorporate**

**photographs, material transport tickets and sampling.**

**Any remediation scheme shall be agreed in writing by the local planning authority prior to the commencement of works.**

**Any remediation scheme and any variations shall be agreed in writing by the local planning authority prior to the commencement of works. This should include responses to any unexpected contamination discovered during works.**

**The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.**

**Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency at Brampton should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.**

**Reason: To protect human health and the environment.**

- 10 TL28 A scheme shall be submitted for written approval by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the dwellings are occupied, in accordance with a timescale agreed in writing with the Local Planning Authority.

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

- 11 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.

- 12 U Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside 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.

- 13 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.

- 14 U The turning space for vehicles illustrated on the approved Plan No P-027/F/3/D shall be constructed before the development is first occupied.

Reason: In the interests of highway safety.

- 15 U Details of bin collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling.

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

- 16 U 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 development falling into Classes A,B and C without planning permission.

Reason: To protect the amenities of occupiers of neighbouring properties and in view of the context of the site.

- 17 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 in the first floor elevations of any dwellings.

Reason: To protect the amenities of occupiers of neighbouring properties.

- 18 U The east facing first floor windows to plots 14 and 16, the west facing first floor window of plot 17 and the north facing first floor flank window of plot 15 and north east facing first floor windows serving bedroom 1 of plot 12 shall be of a fixed type and fitted with

obscured glass of a type to substantially restrict vision through it at all times

Reason: To safeguard the amenities of occupiers of adjoining properties.

- 19 U Noise resulting from the use of the plant, machinery or equipment shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality and distinctiveness) when measured according to BS4142:1997, at a point one metre external to the nearest noise sensitive building.

Reason: To protect the amenities of the proposed dwellings.

### **Notes to Applicant**

- 1 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 Central Bedfordshire Customer Contact Centre on 0300 300 8049.
- 2 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.
- 3 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 Highways Development Control, Central Bedfordshire Council, P.O. 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.
- 4 Any soakaways serving the development should be designed to BRE Digest 365 in order to ensure a satisfactory means of surface water disposal.