

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **DEVELOPMENT MANAGEMENT COMMITTEE** held in Astral Park, Billington Park, Leighton Buzzard LU7 4NT on Monday, 21 July 2014

PRESENT

Cllr K C Matthews (Chairman)
Cllr A Shadbolt (Vice-Chairman)

Cllrs	P N Aldis	Cllrs	Mrs S Clark
	M C Blair		Ms C Maudlin
	A D Brown		I Shingler
	Mrs C F Chapman MBE		J N Young

Apologies for Absence: Cllrs R D Berry
K M Collins
T Nicols

Substitutes: Cllrs D Bowater (In place of R D Berry)
R W Johnstone (In place of K M Collins)
B J Spurr (In place of T Nicols)

Members in Attendance: Cllrs A L Dodwell
M A G Versallion,

Officers in Attendance:	Mr D Ager	Principal Highway Officer
	Mrs M Clampitt	Committee Services Officer
	Mrs V Davies	Principal Planning Officer
	Mr D Hale	Planning Manager South
	Mrs L McShane	Solicitor
	Mr R Preston	Team Leader, Highways Development Management

DM/14/33. **Chairman's Announcements**

The Chairman reminded Councillors and members of the public to silence their mobile phones for the duration of the meeting.

The Chairman advised the Councillors and members of the public that the order of business would be as listed in the agenda.

Subject to declarable interests all Members of the Committee have the right to vote on all matters of business considered by the Committee.

Rule No. 13.5.5. of the Constitution states that Members do not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officer's introduction to the matter.

The Chairman, under Part E3 paragraph 9.2 has a second or casting vote should there be equal numbers of votes for and against an item. This provision makes it quite clear that the Chairman is entitled to vote on any item of business. There is no restriction or limitation on how the second or casting vote should be exercised nor is there a requirement that the right be exercised at all.

DM/14/34. **Members' Interests**

(a) **Personal Interests:-
Member**

Member	Item	Nature of Interest	Present or Absent during discussion
Cllr Mrs C F Chapman MBE	4,5,6	Knows a speaker	Present
Cllr A Shadbolt	4,5,6	Present for discussions on land East of Leighton Buzzard	Present
Cllr N Young	4,5,6	Involved with the preparation of the Development Strategy	Present
Cllr K C Matthews	4,5,6	Involved with the preparation of the Development Strategy historically	Present
All members of the Committee	4,5,6	Present for discussions on the scheme	Present

(b) **Personal and Prejudicial Interests:-**

No declarations were made.

(c) **Prior Local Council Consideration of Applications
Member**

Member	Item	Parish/Town Council	Vote Cast
Cllr D Bowater	4,5 & 6	Leighton Linslade Town Council	Did not vote

DM/14/35. **Late Sheet**

In advance of consideration of the following Planning Applications the Committee received a Late Sheet advising it of additional consultation / publicity responses, comments and proposed additional / amended conditions. A copy of the Late Sheet is available as an Appendix to these Minutes.

During consideration of the Applications the Committee received representations from members of the public in accordance with the Public Participation Procedure as set out in Annex 3 of Part A4 of the Constitution.

DM/14/36. **Planning Application No. CB/11/04444/OUT**

RESOLVED

That, subject to the referral of the application to the Secretary of State, in accordance with the Town and Country Planning (Consultation)(England) Direction 2009, and the completion of a prior Section 106 Agreement, the Interim Assistant Director of Development Management be authorised to grant Planning Permission if the Secretary of State does not call in the application and in doing so, to make such amendments to the schedules to the permission as he considers necessary, subject to the conditions as set out in the Schedule appended to these Minutes.

DM/14/37. **Planning Application No. CB/11/01937/OUT**

RESOLVED

That, subject to the referral of the application to the Secretary of State, in accordance with the Town and Country Planning (Consultation)(England) Direction 2009, and the completion of a prior Section 106 Agreement, the Interim Assistant Director of Development Management be authorised to grant Planning Permission if the Secretary of State does not call in the application and in doing so, to make such amendments to the schedules to the permission as he considers necessary, subject to the conditions as set out in the Schedule appended to these Minutes.

A motion to refuse the application was made by Cllr Spurr and seconded by Cllr Shadbolt.

A request for a recorded vote, was made by Cllr Young.

Upon being put to the vote to refuse the application the following vote was recorded:

Councillors: Bowater, Johnstone, Shadbolt, Shingler and Spurr.

Voted in accordance with the proposal to refuse the application.

Councillors: Aldis, Blair, Brown, Chapman, Clark, Maudlin and Young.

Voted against the recommendation to refuse the application.

Councillor Matthews abstained.

The recommendation was lost 5 for, 7 against and 1 abstained.

Approval of the application was then moved by Cllr Clark and seconded by Cllr Chapman. Upon being put to the vote it was carried 7 for, 4 against and 2 abstained

PRIOR TO CONSIDERATION OF ITEM 6 CLLR D BOWATER LEFT THE MEETING.

DM/14/38. **Planning Application No. CB/11/01940/FULL**

RESOLVED

That, subject to the referral of the application to the Secretary of State, in accordance with the Town and Country Planning (Consultation)(England) Direction 2009, and the completion of a prior Section 106 Agreement that the Interim Assistant Director of Development Management be authorised to grant Planning Permission if the Secretary of State does not call in the application and in doing so, to make such amendments to the schedules to the permission as he considers necessary, subject to the conditions as set out in the Schedule appended to these Minutes.

DM/14/39. **CB/11/04444/OUT - Appendix A - Exempt**

Please refer to Minute No. DMC/14/36 for details.

DM/14/40. **CB/11/01937/OUT - appendix A - exempt papers**

Please refer to Minute No. DMC/14/37 for details.

(Note: The meeting commenced at 10.00 a.m. and concluded at 2.30 p.m.)

Chairman

Dated

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE – 21 JULY 2014

Item 4 (Pages 5 - 104) – CB/11/04444/OUT – Land known as The Stearn Land, Clipstone Lane, Leighton Buzzard, Beds.

Additional Consultation/Publicity Responses

Hogan Lovells/DTZ

A letter was received on 17th July 2014 from Hogan Lovells who act on behalf of the owner of the land referred to as the “Chiltern Hunt” land. The letter is attached along with previous correspondence dated 7th April 2014.

In response to the letter of 17th July the following comments use the numbering in the letter.

1. Hogan Lovells were not notified of the Development Management Committee arrangements. This is due to them being recorded as a consultee to the application rather than a “neighbour.” Consultees are not advised of the scheduling of committee meetings.
2. The letter from DTZ dated 7 April 2014 has been added to the late sheet.
3. The plan at page 105 of the report pack is purely to give the Members of the Committee guidance as to the location of the application site rather than a high level of detail. The error is acknowledged and a revised plan is attached.
4. The Committee report provides high level information with regard to the content of the proposed Section 106 Agreement. It is anticipated that the Section 106 Agreement can contain obligations for the applicants to provide road access and services to the site to facilitate the use of the land at a future date.
5. The Framework Plan does show a pedestrian link across their clients land; however the plans accompanying the planning application do not show any development on their clients land as it is outside of the application site.
6. The Green Belt argument is set out in the committee report for Members to consider. Should Members be minded to approve the applications they then need to be sent to the Secretary of State for his consideration and it is clear that the impact on the Green Belt will be a significant factor in his decision-making.

Neighbour Representations

An email has been received from a member of the public who cannot attend the meeting but wishes to make comment. It is considered that the points raised are addressed within the report.

122 Nelson Road, Leighton Buzzard

“I do not wish to speak at the meeting at Astral Park on the 18/07/2015. But I would like to voice my opposition to both these plans. With these plans and other plans for development on the eastern side of Leighton Buzzard it is about urban sprawl. These

plans will totally destroy the character of our town. Leighton Buzzard will be on par with the size of the Scottish towns of Perth and Inverness without the facilities these towns have. It appears CB councillors are more interested in the needs of the government and greedy developers than the needs of the Leighton Buzzard. There is a complete lack of affordable housing within these plans. With Sandhills it took ten years before there was any infrastructure and that was after a massive fight by the town to have amenities like Astral Park. Flooding is a major issue. Can we trust the developers to provide flood prevention. The developers will make millions at the expense of the town. This is about greed not need."

Additional Comments

It is considered that all the issues raised by additional neighbour letter received have been dealt with in the report.

Item 5 (Pages 105-220) – CB/11/01937/OUT – Chamberlains Barn, Quarry, Heath Road, Leighton Buzzard.

Additional Consultation/Publicity Responses

Hogan Lovells/DTZ

A letter was received on 17th July 2014 from Hogan Lovells who act on behalf of the owner of the land referred to as the "Chiltern Hunt" land. The letter is attached along with previous correspondence dated 7th April 2014.

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5. The Framework Plan does show a pedestrian link across their clients land; however the plans accompanying the planning application do not show any development on their clients land as it is outside of the application site.
6. The Green Belt argument is set out in the committee report for Members to consider. Should Members be minded to approve the applications they then need to be sent to the Secretary of State for his consideration and it is clear that the impact on the Green Belt will be a significant factor in his decision-making.

Leighton Linslade Churches

Leighton Linslade Churches responded to consultation within the requested timescale but their response was not included in the report, it has been attached to the late sheet in full.

Neighbour Representations

A number of letters or emails have been received from members of the public who cannot attend the meeting but wish to reiterate their comments, where new or additional comments have been made they are reproduced below.

122 Nelson Road, Leighton Buzzard

"I do not wish to speak at the meeting at Astral Park on the 18/07/2015. But I would like to voice my opposition to both these plans. With these plans and other plans for development on the eastern side of Leighton Buzzard it is about urban sprawl. These plans will totally destroy the character of our town. Leighton Buzzard will be on par with the size of the Scottish towns of Perth and Inverness without the facilities these towns have. It appears CB councillors are more interested in the needs of the government and greedy developers than the needs of the Leighton Buzzard. There is a complete lack of affordable housing within these plans. With Sandhills it took ten years before there was any infrastructure and that was after a massive fight by the town to have amenities like Astral Park. Flooding is a major issue. Can we trust the developers to provide flood prevention? The developers will make millions at the expense of the town. This is about greed not need."

Waverley, Hillside Road, Leighton Buzzard

"With regard to protests against Arnold White's proposal to develop Chamberlains Barn Quarry site for housing, residents have been objecting to any development plan since 1990 when I believe there was a planning application by Arnold White for 4000 houses on that site. This was of course before quarrying recommenced latterly.

I think the majority of us regard any proposal to put dwellings on that site as so asinine (given the lack of access/exits to the site) that an assumption of rejection by the Local Authority has been presumed. As for adding a link road between Heath Road and Van Dyke Road - so what? It doesn't address the major issue of lack of access causing an unsustainable volume of traffic being generated by the site. I calculate that 950 dwellings at minimum of 2 vehicles per dwelling will generate upwards of 2000 vehicles at peak times. And all pouring out on to two country roads. I would remind the Planning Dept that Heath Road is a Class C road, presumably Vandyke is too."

118 Heath Road, Leighton Buzzard

"Our concerns regard the proposed planning applications for the development of Chamberlains Barn Quarry.

In General:

As outlined to us quite clearly by the Developers when viewing the proposed plans, the site for a lower school, a local centre, country park etc would all be subject to the completion of the entire development. Each phase of the development would be conditional upon market circumstance and sales, and therefore would be halted at any time without having to provide the facilities.

All community facilities within the area are already struggling to manage. This long term, severely limited, intention by the developer will only increase demand further on existing facilities.

Our specific concerns:

Our property backs on to the proposed development site and will also be very near to the proposed junction on the Heath Road for the new link road.

The artist impression shows three storey developments immediately by our property which will be overbearing, these together with the development at the rear of our property will overlook our property and will be an invasion of our privacy (in both our garden and home). Any screening that may be proposed by planting trees etc on the boundary will cast our property in shade. At present our property is not overlooked and is free from trees etc.

The land proposed for the initial development has recently been cleared and levelled but has never been quarried. With the exception of vehicles accessing the quarry, this is a very quiet area, particularly in the evenings and at weekends. The noise from construction companies and ultimately from residents will certainly be invasive and 24 hours a day seven days a week.

The proposed link road will be within a few metres of our property. The volume of traffic on the Heath Road is already at such a level that it is difficult to pull out onto the road at times. Add to this the contractor's vehicles (for the duration of the development), residents vehicles and the link road through traffic will be chaotic and potentially dangerous. We will experience a substantial increase in inconvenience, traffic noise and fumes from standing vehicles etc. at this junction.

We have two pre schools and lower schools on the Heath Road both of which will be directly affected by increased traffic for road users and pedestrians.

We are directly against the proposed plans for the Chamberlains Barn Quarry."

36 Cotefield Drive

Requested that the attached photographs be made available to the Committee.

Additional Officer Comments

Comments have been received from a resident of Chamberlains Gardens who raises concern that not all of the issues in his correspondence have been fully addressed. The specific concerns relate to people on foot using the public open space to the rear of the properties on Chamberlains Gardens being able to approach their back fences and the security implications of the development on their dwellings.

There is proposed to be an area of public open space and woodland to the rear of the properties and rear gardens of Chamberlains Gardens. This could have some adverse impact on privacy compared to that which the residents currently enjoy. The situation is not however very different to many other residential areas where there is access along garden boundaries. Conditions are proposed which would require the

submission of details of the overarching landscape and open space strategy which would provide more detail on the way the area is envisaged to be used. There are also conditions which require details of boundary treatment within the site and it may be that the boundary with the rear gardens of Chamberlains Gardens is one which needs to be considered.

Compared to the current situation where the rear gardens of Chamberlains Gardens back onto a secured quarry site the proposed development could be perceived to have any impact on the level of security the properties benefit from. It could however also be argued that currently there is no surveillance of the quarry site and that the open space when in use would provide a better level of natural surveillance. Appropriate fencing could be considered within the condition mentioned above and it is also open to residents to take whatever precautions they wish to.

Whilst the impact of the proposal in terms of privacy and security on the residents of Chamberlains Gardens is appreciated it is considered that subject to conditions and where appropriate clauses within the legal agreement the impacts can be minimised. It is not considered that this issue is sufficient to warrant refusal of the planning application.

All other issues raised by additional neighbour letters received have been dealt with in the report.

Amended Conditions

Remove condition 24 as no development is proposed within 15m of the water infrastructure belonging to Anglian Water however it is recommended that the advice is contained in an informative instead. The “water tower” Anglian Water refers to is the structure located off Shenley Hill Road.

Additional informative

Anglian Water advise that the development is within 15m of a water tower. Whilst Anglian Water takes all reasonable steps to prevent any nuisance arising from the site, there should be no development within 15m from the boundary of the water tower if the development is potentially sensitive to noise or other disturbance or which might give rise to complaint from the occupiers regarding the location of the water tower.

Item 6 (Pages 221 - 262) – CB/11/01940/FULL – Chamberlains Barn, Quarry, Heath Road, Leighton Buzzard.

Additional Comments - Highways Development Control

Since writing the report revised plans have been submitted to seek to address the minor points raised by the Highways Development Control Officer. The Highways Development Control Officer has reviewed the plans and comments as follows:

Heath Road junction

Amendments have been made to the Heath Road junction by:

- Reducing the width of the northbound right turn lane to enabling the widening of the left turn lane;
- Widening the Heath Road lane widths and amending road markings;
- Extending the two lane approach on the link road to accommodate more outbound vehicles;
- Shortening the link road splitter island and moving it eastwards to increase road space for turning movements;
- Realigning the Heath Road southbound footway to follow highway boundary.

These amendments are acceptable to the Highways Development Control Officer.

Eastern Link Road

Amendments have been made to the horizontal alignment to increase the curve length, bus stop locations have been amended and mini roundabout approaches modified to include deflection.

The Highways Development Control Officer is satisfied with the change to the horizontal alignment but suggests that the bus stop locations need to respond to the surrounding development and therefore considers that it would be preferable to condition the location of the bus stops. With regard to the mini roundabouts amendments have been made to include deflection however it is not considered that these works are to the required standard and may need further refinement. It is considered that the minor realignment of the roundabout or other road features by very small distances (less than 1m) would be best dealt with by conditions.

The Highways Development Control Officer is satisfied that subject to any minor technical amendments required following the stage 2 safety audit and details to be submitted in accordance with conditions that the proposed road layout is acceptable.

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4. The Committee report provides high level information with regard to the content of the proposed Section 106 Agreement. It is anticipated that the Section 106 Agreement can contain obligations for the applicants to provide

road access and services to the site to facilitate the use of the land at a future date.

5. The Framework Plan does show a pedestrian link across their clients land; however the plans accompanying the planning application do not show any development on their clients land as it is outside of the application site.
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In General:

As outlined to us quite clearly by the Developers when viewing the proposed plans, the site for a lower school, a local centre, country park etc would all be subject to the completion of the entire development. Each phase of the development would be conditional upon market circumstance and sales, and therefore would be halted at any time without having to provide the facilities.

All community facilities within the area are already struggling to manage. This long term, severely limited, intention by the developer will only increase demand further on existing facilities.

Our specific concerns:

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The land proposed for the initial development has recently been cleared and levelled but has never been quarried. With the exception of vehicles accessing the quarry, this is a very quiet area, particularly in the evenings and at weekends. The noise from construction companies and ultimately from residents will certainly be invasive and 24 hours a day seven days a week.

The proposed link road will be within a few metres of our property. The volume of traffic on the Heath Road is already at such a level that it is difficult to pull out onto the road at times. Add to this the contractor's vehicles (for the duration of the development), residents vehicles and the link road through traffic will be chaotic and potentially dangerous. We will experience a substantial increase in inconvenience, traffic noise and fumes from standing vehicles etc. at this junction.

We have two pre schools and lower schools on the Heath Road both of which will be directly affected by increased traffic for road users and pedestrians.

We are directly against the proposed plans for the Chamberlains Barn Quarry.”

Additional Comments

It is considered that all the issues raised by additional neighbour letters received have been dealt with in the report.

It was hoped that a Stage 2 Safety Audit would have been completed on the proposed link road ahead of the Committee meeting, unfortunately this is not the case. It is considered that the Stage 2 Safety Audit will only raise minor technical issues which may result in the need for small amendments to the link road. It is therefore requested the Interim Assistant Director Planning be authorised to agree such minor amendments to the plans as may be necessary following the receipt of the Stage 2 Safety Audit.

Amended Conditions

As a result of receiving revised plans condition 9 which lists the approved plan numbers needs to be amended to:

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3723.001 rev D – Link Road and Infrastructure Application – Planning application boundary, 3723.002 revB – Heath Rd Junction Access Scheme Layout, 3723.003 revB – Vandyke Rd Junction Access Scheme Layout, 3723.004 revB – Road 1 (Link/Spine Rd) Layout and Profile Sheet 1, 3723.005 revB - Road 1 (Link/Spine Rd) Layout and Profile Sheet 2, 3723.006 revB - Road 1 (Link/Spine Rd) Layout and Profile Sheet 3,

3723.007 revB - Road 1 (Link/Spine Rd) Layout and Profile Sheet 4,
3723.008 revB - Road 1 (Link/Spine Rd) Layout and Profile Sheet 5,
3723.009 revB - Road 1 (Link/Spine Rd) Layout and Profile Sheet 6,
3723.015revA – Road 1 (link/spine road) Typical Road Construction Details,
3723.016revA – Diverted NGR Scheme and Drainage Layout, 3723.017revA
– Diverted NGR vertical profile, 3723.018revA – Diverted NGR Tunnel
Sections, 3723.019 – FW and SW Drainage Strategy, 3723.020 – Detention
basin and SW outfall, 3723.021 – FW pumping station general arrangement,
3723.SK16revB – Vandyke Junction Access Alternative Layout (Phase 1
AWEL).

Reason: For the avoidance of doubt.

Additional conditions

The Highways Development Control Officer has requested additional conditions be added to any planning permission granted as follows:

- 10 **Development shall not begin until details of the junction between the proposed link road and the Heath Road have been approved by the Local Planning Authority and the proposed estate road shall not be open to traffic 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 highway and of the proposed estate road in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

- 11 **Development shall not begin until details of the proposed mini roundabouts on the new link road has been approved by the Local Planning Authority**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

- 12 **Development shall not begin until the detailed plans and sections of the link proposed road, 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 in accordance with the approved details.**

Reason: To ensure that the proposed roadworks are constructed to an adequate standard in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

- 13 **Development shall not begin until details of the location of the proposed bus stops along the new link road have been approved by the Local**

Planning Authority in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

Reason: To promote sustainable modes of transport and maintain free flow of traffic.

- 14 If the proposed link 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 in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

- 15 **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 in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

- 16 **Development shall not begin until the detailed plans of the proposed highway lighting, using light emitting diodes (LED) within the development has been approved by the Local Planning Authority and no building shall be occupied until that lighting has been installed in accordance with the approved details.**

Reason: To ensure that the proposed highways are adequately lit in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

Additional informatives

The Highways Development Control Officer requests the following informatives be added to any planning permission:

7. 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's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN.

8. The applicant is advised that if it is the intention to request the Central Bedfordshire County 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 Planning and Control Group, Central Bedfordshire Council's Highway Help Desk, 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.
9. The applicant is advised that in order to comply with Condition 10 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Planning and Control Group, P.O.Box 1395, Bedford, MK42 5AN,

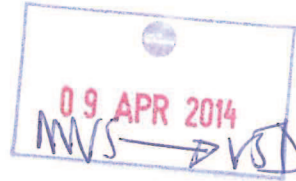
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7 April 2014

Victoria Davies
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford
Bedfordshire SG17 5TQ



Dear Victoria

**EAST OF LEIGHTON LINSLADE - URBAN EXTENSION
PLANNING APPLICATIONS CB/11/02827/OUT, CB/11/01937/OUT AND CB/11/01940/OUT**

You are aware of the objections that we have made in relation to the planning application CB/11/02827/OUT submitted by Willis Dawson Holdings. Some of our concerns could still be properly addressed in the proposed Section 106 Agreement and, as Hogan Lovells stated in their letter of 19 March 2014, our clients will continue to monitor the application and the proposed planning permission including the Section 106 Agreement.

Our concerns relate to the significant differences between the coherence of the East of Leighton Linslade Framework Plan, in particular the provision of the Essential Infrastructure. The Framework Plan states (emphasis added): *'The Essential Infrastructure that must be provided for growth to be integrated and sustainable also requires a co-ordinated programme particularly if there is more than one application covering the Framework Plan area*'. The provision of approximately 16 hectares of employment land is considered an element of the Essential Infrastructure to assist in the creation of local jobs concurrently with new housing. Considering the fragmented approach in the three separate planning applications, can you explain how the Council will ensure that the benefits of the Framework Plan are delivered?

These serious concerns also apply to the planning applications CB/11/01937/OUT and CB/11/01940/OUT submitted by Arnold White Estates which we understand the Council expects to consider shortly.

The Chamberlains Barn application (CB/11/01937/OUT) is inconsistent in its treatment of the 'Chiltern Hunt' land even though this land is, in a practical sense, an integral part of the Urban Extension which is not properly addressed in the Application. The Application Statement dated May 2011 includes the following inconsistencies which need to be addressed prior to the proper determination of the application:

1. The Chiltern Hunt Land is included in the East Leighton Linslade Strategic Allocation. This area includes approximately 16 hectares of employment land, of which the Chiltern Hunt Land provides approximately 4 hectares according to the Framework Plan dated June 2013. The Chiltern Hunt Land is therefore an important element in the comprehensive planning of the area within the Site Specific Strategic Allocation (SSSA).
2. However, at 2.10 the application dated May 2011 incorrectly states that the Chiltern Hunt land is excluded from the SSSA.

3. Can you explain how an application made in May 2011 (CB/11/01937/OUT) is consistent with a Framework Plan dated June 2013?
4. You will recall that the Council found it difficult to contact Chiltern Hunt and its advisors during the consultation on the Framework. We were of course well known to both this applicant and Willis Dawson Holdings and we were able to confirm to the Council that our clients did not oppose the Framework subject to the proper treatment of their land in relation to any planning permissions which came forward under the guidance of the Framework.
5. At present there is no agreement between our clients and Arnold White Estates although we anticipate a meeting and further discussion before the Council considers the application dated May 2011.
6. Figure 1.2 and Figure 1.3 in the statement which accompanies the application both illustrate the Chiltern Hunt land shaded in a purple colour. There is no indication in the key about what this shading represents and thus may give the impression that the land is included within the scheme.
7. Importantly, the Framework Plan shows a primary footpath passing through the middle of the Chiltern Hunt Land. The Chamberlains Barns planning application also shows the same primary footpath, implying that this footpath will be delivered by the scheme. As yet there is no agreement between the applicants and Chiltern Hunt to enable this significant link to be provided.
8. A further diagram of the Chamberlains Barn Neighbourhood at Figure 3.7 in the application statement annotates the Chiltern Hunt Land as: *'Vandyke employment area co-located with and reinforcing the neighbourhood centre'*. This plan does not include red line boundaries to show different land ownership and includes the Chiltern Hunt land in the Chamberlains Barn Neighbourhood, although the land is not actually included in the application.
9. At 3.4, the application statement reads: *'A substantial area of 3.41ha has been left as a reserve site (within an overall parcel of 5.4ha) to provide employment generating uses ideally located to both serve the existing proposed development and with direct access to the link road'*. The applicants do not however make it clear that they do not own or control the land forming the 3.41ha reserve site.

The Chamberlains Barn application and the Stearn Land application do not include any employment land. They are both therefore entirely reliant for employment uses on the Willis Dawson Holdings application at Clipstone Park or the reserve site, which is also excluded from the Application. We do not see how the Council can properly consider the application without clear contractual linkages to employment provision and the land required to achieve it.

As we have explained to the Council, our clients would be prepared to have the land included within a Section 106 Agreement so that the Employment provision and the primary footpath could be provided as is envisaged in the Framework Plan and the SSSA.

Contrary to assertions at the 28 February Committee by a representative of Arnold White Estates, we understand that the Chamberlains Barn and Stearn Land applications were not ready to be considered at the Development Management Committee on 2 April. We would therefore like to take this opportunity to resolve the outstanding matters before these applications are determined and that the application and any consents properly deliver the 'co-ordinated programme' of Essential Infrastructure including employment and footpaths.

We look forward to your confirmation that these matters are being properly addressed by the Council.

Yours sincerely



Sam Thompson

17 July 2014

By email and post
(Andrew.Emerton@centralbedfordshire.gov.uk)

Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford
Bedfordshire SG17 5TQ

Attention: Andrew Emerton

URGENT

Claire Dutch
claire.dutch@hoganlovells.com
D +44 20 7296 2951

Our ref C2/CD/4339606
Matter ref 52881/00019

Dear Sirs

**EAST OF LEIGHTON LINSLADE - URBAN EXTENSION
CHAMBERLAINS BARN QUARRY PLANNING APPLICATIONS - CB/11/01937/OUT, CB11/01940/FULL
AND CB/11/04444/OUT**

As you are aware, we act for Chilworth International Corporation, the owners of land at Vandyke Road. Our client's land is referred to as the 'Chiltern Hunt' land in the officer's reports for the above planning applications that are being considered by the Development Management Committee on Monday 21 July 2014. We refer to our previous letters dated 13 February, 26 February and 19 March objecting to the planning applications and the application reference CB/11/02827/OUT submitted by Willis Dawson Holdings in relation to the development of the neighbouring site.

We continue to OBJECT to the applications for the reasons set out in our previous letters. We make the following points:

1. We are disappointed that we were not made aware of the scheduling of the Development Management Committee on 21 July. Our client's land is an integral part of the East of Leighton Linlade Framework Plan. As you are aware, the Chamberlains Barn Quarry site borders our client's land on three sides and the Chiltern Hunt land is mentioned on a number of occasions in the officer's reports. We and our client's property consultants, DTZ, have made it very clear that we take a keen interest in the outcome of the planning applications.
2. We note that representations on behalf of our clients by DTZ and this firm have been included in the officer's reports. However, an additional letter of representation was sent by DTZ to you on 10 April 2014 directly addressing the Chamberlains Barn Quarry application. DTZ have confirmed that they have not received a response to this letter. Please can you ensure that this letter and the earlier letter of 10 April is included in papers put before members.

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3. There are a number of inaccuracies in the reports which are misleading to members and need to be corrected. The outline plan of Chamberlains Barn Quarry, on page 105 of the Agenda Reports Pack, makes no reference to our client's land but appears to show it as part of the planning application CB/11/01937/OUT. To avoid misleading the members, it is essential that this plan is corrected prior to the committee meeting to illustrate that the Chiltern Hunt land is not included in this application.
4. There are several mentions in the report confirming that application CB/11/01937/OUT will provide access to our client's land, namely:
 - (a) At 5.5, the report refers to the Chiltern Hunt land as the 'employment land', stating: 'This application would provide road access and services to the boundary of the employment land, it is however not included in this application.'
 - (b) At 2.3: 'The planning application itself would not deliver any employment land or significant numbers of jobs but would facilitate access to land designated in the Framework Plan for employment uses.'
 - (c) At 4.32 the report states: 'In addition access would be provided to land adjacent to the link road which could deliver additional employment land.'

We are at a loss to understand how the Council intends to ensure that road access and services are provided to our client's land? No legally enforceable mechanism is set out in the report. In the Framework Plan, the Chiltern Hunt land has been identified as an employment site. For the Chamberlains Barn Quarry application to form a coherent part of the comprehensive delivery of the Framework Plan and the emerging Development Strategy, it must facilitate the delivery of employment uses at the Chiltern Hunt land and this must be legally enforceable through either section 106 obligations or appropriate planning conditions.

5. Similarly, the Framework Plan shows a primary footpath passing through the middle of the Chiltern Hunt Land. The Chamberlains Barn Quarry planning application also shows the same primary footpath, implying that this footpath will be delivered by the scheme. The committee report does not set out any legally enforceable mechanism to ensure that this significant link is to be provided.
6. Finally, the case to justify for harm of this magnitude in the Green Belt is particularly weak and unconvincing. We are sure the Council is aware of the recent trend of appeal decisions whereby the Secretary of State has rejected residential development in the Green Belt. It is clear that the Government regards sanctioning such development as a function of the development plan making process, rather than ad hoc release of Green Belt land through development management decisions. The latter is clearly proposed in the present case.

We urge members to reject the planning applications.

Yours faithfully

Hogan Lovells International LLP

cc Andrew Davie (andrew.davie@centralbedfordshire.gov.uk)
David Hale (david.hale@centralbedfordshire.gov.uk)
Martha Clampitt (martha.clampitt@centralbedfordshire.gov.uk)
Victoria Davies (Victoria.Davies@centralbedfordshire.gov.uk)

Holmeside'
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LU7 3AG

e-mail: [REDACTED]

26th May 2014

Planning Officer
Central Bedfordshire Council
Priory House
Monks Walk
Chicksands
Shefford
SG17 5TQ

Dear Sirs,

Ref: Planning Application No CB/11/01937/OUT- CHAMBERLAINS BARN QUARRY

Leighton Linslade Churches (LLC) representing Christian churches and groups in Leighton Linslade and the surrounding villages, totalling in excess of 3,000 residents, whilst in principle normally neither opposes nor supports new housing developments within and around Leighton Linslade, wishes to make the following comments regarding the above application:

The amended application appears to only relate to access and road design alterations and therefore it is assumed that there are no fundamental changes to the overall scheme particularly to any element that is essential in the ensuring that the neighbourhood is a place 'where people want to live, work and play'. This means that not only must the physical environment be a welcoming place but that for a cohesive and sustainable community to be created it is vital that facilities are available at the earliest stages to meet their social needs together with the appropriate funding where required.

Therefore it is essential that the scheme retains the inclusion of the provision of a Community House. This amenity will be a vital part of building a thriving and living community. It is however, vital that any Section 106 Agreement includes provision for the running costs for the House as well as the property itself, if it is to deliver real benefit to the community. The provision of a Community House must also be much earlier, at the very beginning (ie.0), in the development process rather than the 100th property being occupied, otherwise a considerable number of families will be without any form of facilities for a substantial period of time. Experience from the Sandhills development to the south of the town shows that whilst in theory a house may be provided in line with 100 properties being occupied, the timing of it actually being available for the community is considerably later. It also has to be accepted that a Community House is not an adequate substitute for a purpose-built facility in the longer term, as by its very nature it cannot provide the space or facilities of a purpose built hall.

It is also essential that there is an allowance for a community facility within the proposed lower school but is concerned that whilst there is mention of community facilities being included in the original proposal there is nothing substantive and that there is nothing proposed that would legally ensure that community facilities in the form of a hall are provided, the Section 106 outline agreement only referring to the provision of land for a school, payment towards education facilities (6.7) and a contribution towards general community facilities (6.8) which is a very broad 'catch all' heading.

Leighton Linlade Churches

If community facilities are provided within the lower school, unless they are dedicated areas for community activities, they will not be available during school days or potentially during holiday periods and would be a compromise facility given the very different needs of a lower school to that of a community facility, for example basic equipment sizes and facilities such as toilets generally being smaller than adult ones.

Their provision will also be dependent on the local education authority actually building a school and as has already been seen on other developments within Leighton Linlade, specifically Sandhills, this cannot be guaranteed within any realistic timescale. There is no sustainable alternative provision (the Community House cannot be anything other than a short term solution) should the building of a school be deferred for a considerable period or shelved completely.

LLC is extremely concerned that there is no definitive statement relating to the retention of the Section 106 funding in any form that will ensure a legal commitment to community facilities that will support the ongoing needs and sustainability of the new community on this estate. Experience and evidence from the Sandhills (and Billington Park) demonstrates how vital these facilities are if the development is not to create isolated, disenfranchised and fragmented groups especially amongst young people and those less able to access transport alternatives. On its Planning page on Section 106, CBC cites *"the positive partnership between Central Bedfordshire Council, Bloor Homes and its engagement with the local community to bring about the development of over 100 new homes at Stanford Road, Shefford"*. LLC has seen no demonstrable evidence of any positive engagement with the local community on the provision of Community facilities for either Chamberlains Barn or Clipstone beyond the original displays and consultations which did not enable or facilitate any detailed discussions with those parts of the community who might be active users or contributors. It would appear that contrary to what is cited on their own website CBC appear to be adopting a policy of making decisions on a remote basis without any input or taking into account the needs of those who will most affected.

As there has been no definitive provision that will make the development 'a place where people will WANT to live, work and play' therefore ensuring a sustainable, thriving and living community, LLC objects to the application until there are further open consultations on community facilities.

We would also request that LLC is added to any future consultation groups list for this application, given the number and diversity of residents we represent, the breadth of our collective community outreach, and the experience of living in previous developments which we possess.

Yours faithfully,



On behalf of Leighton Linlade Churches

Chamberlains Barn and the Stearn Land





EAST OF LEIGHTON LINSLADE
FRAMEWORK PLAN

THE STRATEGIC URBAN EXTENSION
OF LEIGHTON LINSLADE

JUNE 2013

2013

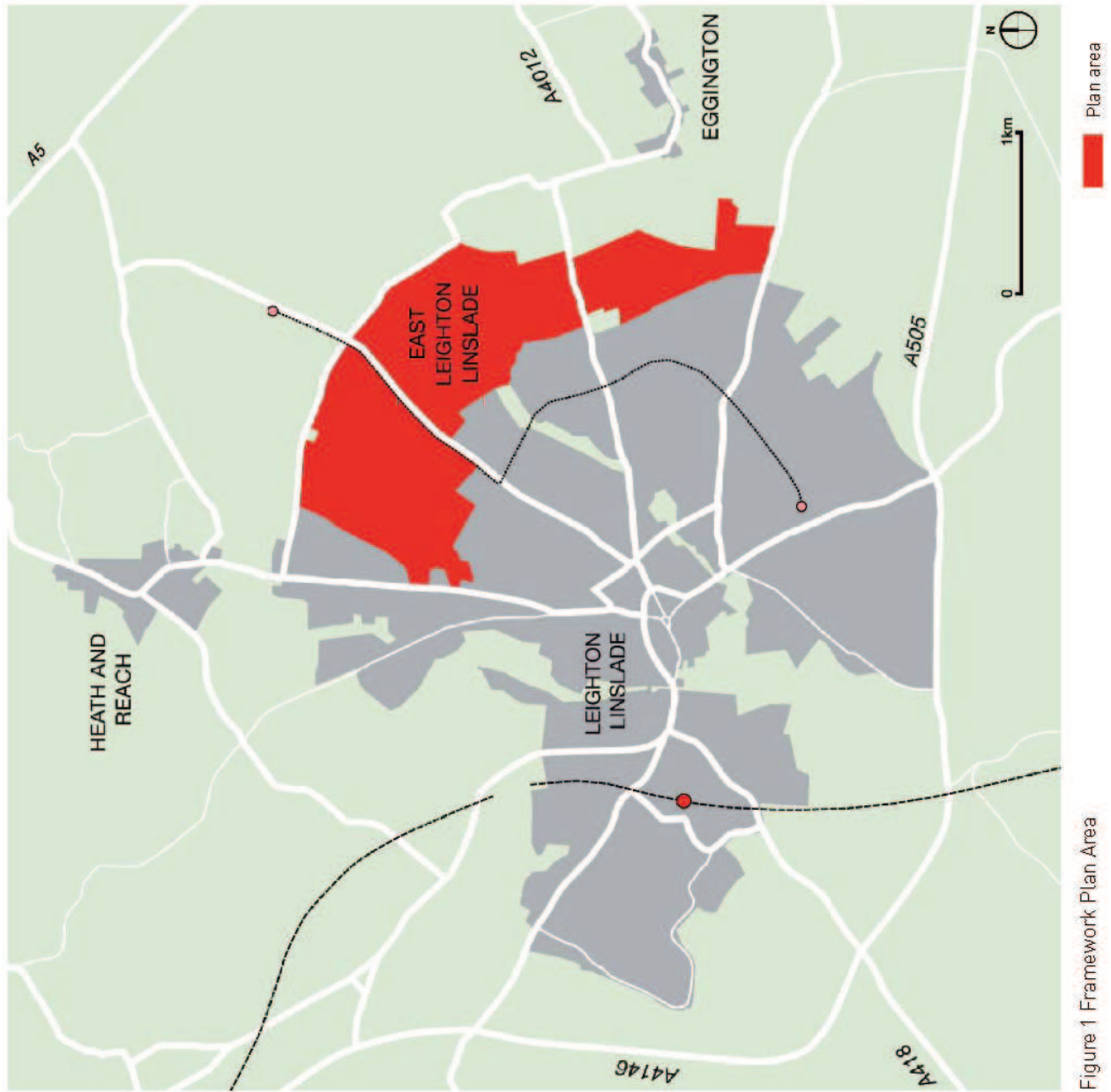


Figure 1 Framework Plan Area



















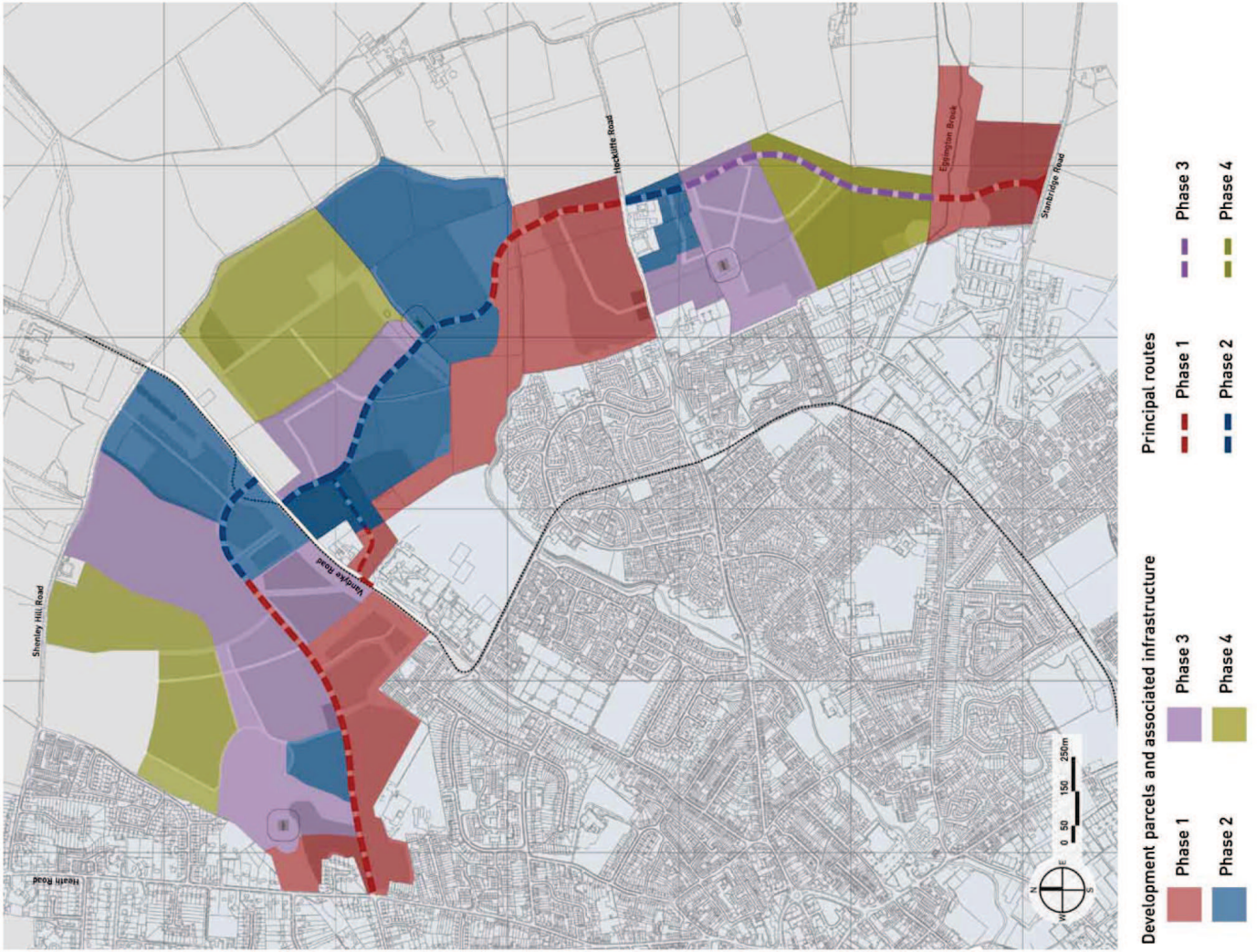


Figure 4.4, Phase 4

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36 Cotefield Drive



36 Cotefield Drive



Item No. 4

APPLICATION NUMBER	CB/11/04444/OUT
LOCATION	Land known as The Stearn Land, Clipstone Lane, Leighton Buzzard, Beds
PROPOSAL	Hybrid application for residential development comprising up to 270 dwellings with associated landscaping, open space, parking and internal access roads (in outline with all matters reserved); provision of formal public open space; cemetery; allotments; informal open space and structural landscaping; and access roads (change of use).
PARISH	Eggington
WARD	Heath & Reach
WARD COUNCILLORS	Cllr Versallion
CASE OFFICER	Vicki Davies
DATE REGISTERED	16 January 2012
EXPIRY DATE	16 April 2012
APPLICANT	Arnold White Estates
AGENT	Hives Planning Limited
REASON FOR COMMITTEE TO DETERMINE	Departure, Major application recommended for approval and with objections from Eggington Parish Council and Heath and Reach Parish Council.
RECOMMENDED DECISION	Outline Application - Approval

Recommendation

That, subject to the referral of the application to the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the completion of a prior Section 106 Agreement that the Interim Assistant Director Planning be authorised to grant Planning Permission if the Secretary of State does not call in the application and in doing so, to make such amendments to the schedules to the permission as he considers necessary, subject to the following:

RECOMMENDED CONDITIONS

- Approval of the details of the appearance, landscaping, layout, access and scale of the development within each area or sub-area as identified in condition 3, (herein called ‘the reserved matters’) shall be obtained in writing from the local planning authority before development is commenced within that area or sub-area. The development shall be carried out in accordance with the approved details.**

Reason: To comply with Article 4 (1) of the Town and Country Planning (Development Management Procedure) Order 2010.

- 2 Application for approval of the reserved matters for each area or sub-area, as identified in condition 3, shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission. The development shall begin no later than 5 years from the approval of the final reserved matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 **Prior to the submission of the first reserved matters, an areas plan for the entire application site shall be submitted to and approved in writing by the Local Planning Authority. The areas plan shall show a minimum of 2 character areas and shall define the location and extent of each residential area and the number, size and tenure of dwellings in each area; and also define the timing of provision of the movement network, vehicular access point(s) open space and play areas and surface water attenuation areas for each area. The development shall be carried out in accordance with the approved areas plan.**

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority in accordance with Policy BE8 of the South Bedfordshire Local Plan and Policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 4 No more than 270 dwellings, 8.6 hectares of formal open space comprising playing fields, 1.2 hectares of land for a cemetery, 0.6 hectares of allotments and associated landscaping, open space, parking, internal access roads shall be constructed on the site pursuant to this planning permission in accordance with the parameter plan reference 1457_011 .

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority in accordance with Policy BE8 of the South Bedfordshire Local Plan and Policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 5 **No development shall commence until an overarching Landscape and Open Space Strategy has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Open Space Strategy shall set out the in principle requirements for treatment of the areas of landscaping and open space and their relationship with Sustainable Urban Drainage Systems (SUDS) shall be in accordance with the principles set out within the Parameters Assessment - Landscape contained within the submitted Design and Access Statement and the areas plan approved by condition 3 and shall include:**

a) a programme for implementation, particularly with regard to advanced planting;

b) long-term design objectives for the laying out of areas of green infrastructure and open space within the residential development areas including any replacement planting;

c) short and long-term management responsibilities;

d) maintenance schedules for all hard and soft landscape areas and open spaces (other than privately owned domestic gardens), and any associated features.

The development shall be carried out in accordance with the approved overarching Landscape and Open Space Strategy.

Reason: To ensure a satisfactory appearance of the development in accordance with policy BE8 of the South Bedfordshire Local Plan and policies 43 and 56 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 6 Development shall not begin until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall be based upon the principles given within the Flood Risk Assessment dated November 2011, reference 3855/02, compiled by Stuart Michael Associates, and shall also include:

- Detailed post-development surface water runoff calculations, accounting for impermeable areas, for the Q₁ (or Q_{BAR}), Q₃₀, Q₁₀₀ and Q₁₀₀ PLUS CLIMATE CHANGE storm events. This shall be done for the demonstrated critical storm duration and season;
- Detailed drawings showing the location, dimensions, levels, gradients and reference numbers of the proposed drainage system;
- Detailed results of surface water system modelling for the above-mentioned storm events demonstrating suitable management of surface water and performance of the proposed system;
- Details of flood flow routing in the event of system exceedance or failure, demonstrating that surface water flood risk from the site to adjacent or downstream areas will not increase, and such flows can be appropriately managed on site;
- Full design details including cross- and long-sections, levels (including design and water levels), dimensions and gradients, of the proposed attenuation pond and flow control device (including the manufacturer's flow curve for vortex flow controls), demonstrating suitable system performance for discharge rates no greater than those as given in section 5.30 of the agreed FRA;

- Assurances that the capacity of the proposed water butts for each property, as detailed in section 5.19 of the FRA, shall not be included as part of the storm water attenuation volume;
- Analysis of the capacity of the receiving watercourse, demonstrating that the watercourse can receive flows as proposed, and that the culvert downstream of the receiving watercourse will not be overwhelmed;
- Details of any erosion control measures proposed on the receiving watercourse to mitigate the concentration of discharge to a singular point in the watercourse;
- Details of the proposed maintenance and/or adoption regime, or evidence from the appropriate party that maintenance/adoption details have been agreed.

Reason: To prevent the increased risk of flooding, and ensure future maintenance of the drainage system in accordance with policy 49 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version May 2014.

- 7 No reserved matters pursuant to an area or sub-area shall be submitted until an Area Design Code ('ADC'), has been submitted to and approved in writing by the Local Planning Authority in relation to that area or sub-area.

Reason: To ensure that the Area Design Codes are of a localised nature and is produced to assist in setting out the details of the development in a planned manner and to ensure that the details and appearance of the development are acceptable to the Local Planning Authority and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004), Policy 43 of the Development Strategy Central Bedfordshire Revised Pre-Submission Version May 2014 and Paragraph 59 of the National Planning Policy Framework (2012).

- 8 No development shall commence until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason : To prevent the pollution of controlled waters in accordance with Policies 44 and 49 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 9 No development shall commence in any area, as defined by the areas plan required by condition 3, of the development (including any works of demolition) until a Construction Environmental Management Plan ('CEMP') has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with the Framework Construction Environment Management Plan submitted as part of this planning application and shall include details of:

- a) Environment Management Responsibilities;
- b) Construction Activities and Timing;
- c) Plant and Equipment, including loading and unloading;

- d) **Construction traffic routes and points of access/egress to be used by construction vehicles;**
- e) **Details of site compounds, offices and areas to be used for the storage of materials;**
- f) **Utilities and Services;**
- g) **Emergency planning & Incidents;**
- h) **Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- i) **On site control procedures:**
 - i. **Traffic mitigation measures including traffic management and parking**
 - ii. **Temporary haulage routes**
 - iii. **Air and Dust quality**
 - iv. **Noise and vibration**
 - v. **Waste and Resource Management**
 - vi. **Agricultural Soils and Materials**
 - vii. **Temporary surface water drainage during construction**
 - viii. **Protection of Controlled Waters**
 - ix. **Trees, Hedgerows and Scrub**
 - x. **Ecology**
 - xi. **Archaeological and Cultural Heritage**
 - xii. **Visual and Lighting**
 - xiii. **Utilities and Services**
 - xiv. **Protection of water resources**
 - xv. **Protection of species and habitats**
- j) **Detailed phasing plan to show any different phasing, different developers and/or constructors to be updated on an annual basis;**
- k) **Details for the monitoring and review of the construction process including traffic mitigation (to include a review process of the Construction Environmental Management Plan during development).**

Any development hereby permitted shall be carried out only in accordance with the approved CEMP.

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with Policy 44 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 10 **No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing sewerage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the scheme for improvement of the existing sewage system has been completed.**

Reason: The sewage treatment works is overloaded and in the altered discharge is likely to cause contravention of the discharge consent if an increase in discharge loading is permitted. The sewage treatment works is overloaded and the altered discharge is likely to cause failure of a statutory or non-statutory water quality objective if permitted.

There is an existing problem with combined sewer overflows (CSOs) which this development would exacerbate in the absence of improvements to the sewer system. In accordance with Policy 44 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

11 No burials shall take place in the cemetery hereby approved:

- within 250 metres of any well or borehole
- within 30 metres of any watercourse or spring
- within 10 metres of any field drain
- in saturated ground.

Reason: To prevent the pollution of controlled waters. An inappropriately located and designed cemetery could result in the pollution of the surface water drains from the eastern and southern boundaries of the site.

12 **No dwellings shall be occupied, in any area or sub-area as identified in condition 3, until mitigation, conservation and enhancement measures as set out in chapter 5 of the Environmental Statement have been implemented.**

Reason: To ensure all impacts on ecology from development are taken into account and mitigated in accordance with Policy 57 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

13 **No development shall take place in an area of the development approved as per condition 3 of this permission until details of the plans and sections of the proposed estate roads in that area, including gradients and method of surface water disposal have been submitted to and approved in writing by the Local Planning Authority and no building within that area 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 road works are constructed to adequate standard in accordance with policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

14 **Prior to the commencement of development in any area, as defined by the areas plan required by condition 3, approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:**

- 1) **A preliminary risk assessment which has identified:**
 1. **all previous uses**
 2. **potential contaminants associated with those uses**
 3. **a conceptual model of the site indicating sources, pathways and receptors**
 4. **potentially unacceptable risks arising from contamination at the site.**

- 2) **A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**

- 3) **The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**

- 4) **A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect human health and the environment in accordance with Policy 44 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 15** **Prior to commencement of development, in any area, as defined by the areas plan required by condition 3, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.**

Reason: To protect human health and the environment in accordance with Policy 44 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 16 **No development shall take place, in any area or sub-area as identified in condition 3, until a written scheme of archaeological resource management; that includes post excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved scheme.**

Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development and to secure the protection and management of archaeological remains which may be preserved *in situ* within the development site in accordance with policy 46 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 17 **Prior to commencement of any development on any area, as defined by the areas plan required by condition 3, no tree or hedgerow shall be lopped, topped or felled and an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved statement and plan.**

Reason: To safeguard existing trees on site in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 43 and 59 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 18 **Prior to commencement of development in each area approved by condition 3 of this permission, a scheme showing the proposed boundary treatment of that area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the type and height of fences, hedges, walls or other means of enclosure. The approved scheme shall be implemented before the adjacent residential units are first occupied.**

Reason: To ensure a satisfactory appearance for the development and to safeguard the amenity of future occupiers in accordance with Policy BE8 of the South Bedfordshire Local Plan and policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 19 **No development shall take place in an area or sub-area of the development approved as per condition 3 above until there has been submitted to and approved in writing by the Local Planning Authority a detailed waste audit scheme for that area. The waste audit scheme shall include details of refuse storage and recycling facilities. The development of dwellings and/or commercial units in each area shall be carried out in accordance with the approved details shall not thereafter be used for any other purpose.**

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 20 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all dwellings as is necessary to achieve as a minimum standard an internal noise level of 30dB_LAeq, 23:00-07:00 and 45dB_LAmax, 23:00-07:00 for bedrooms and 35dB_LAeq, 07:00-23:00 for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55dB_LAeq, 1hr in outdoor amenity areas. Any works which form part of the scheme approved by the Local Planning Authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing before any permitted dwelling is occupied, unless an alternative period is approved in writing by the authority.

Reason: In the interests of residential amenity, in accordance with policy BE8 South Bedfordshire Local Plan and policy 43 of Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 21 The details required by condition 1 of this permission in relation to each area approved by condition 3 shall include details of the finished floor and site levels including full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out strictly in accordance with the approved level details.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with policy BE8 of South Bedfordshire Local Plan and policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 22 The details required by condition 1 of this permission in relation to each area approved as per condition 3 shall include a scheme for parking, and garaging for the residential units in that area. The parts of each approved scheme pursuant to condition 1 related to each residential unit shall be made available for use before the residential unit or building is occupied and those areas shall not thereafter be used for any other purpose.

Reason: To ensure that adequate turning, parking and unloading space is available in the interest of road safety in accordance with policies 27 and 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 24 **No development shall take place until a revised Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highways Agency. The Travel Plan shall include the following:**

The identification of targets for trip reduction and modal shift;

- **The methods to be employed to meet these targets;**
- **The mechanisms for monitoring and review;**

- The mechanisms for reporting;
- The penalties to be applied in the event that targets are not met;
- The mechanisms for mitigation including budgetary provision;
- Implementation of the travel plan (until full occupation) to an agreed timescale and its operation thereafter;
- Mechanisms to secure variations to the travel plan following monitoring and reviews;
- Mechanisms for managing the travel plan and coordinating with other travel plans in the East Leighton Linslade development area.

The completed development shall be occupied in accordance with the approved travel plan which shall be retained in place thereafter unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority in conjunction with the Highway Agency.

Reason: To ensure the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic, to satisfy the reasonable requirements of road safety on the A5 trunk road and connecting routes in accordance with section 10 of the Highways Act 1980 and in the interests of promoting sustainable transport and reducing the number of trips by private car, in accordance with policy 26 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.).

- 25 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1457_008 & 1457_011.

Reason: For the avoidance of doubt.

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
3. **Environment Agency - consenting of works on ordinary watercourses**
Proposals for works such as mill dams, weirs, sluices and the suchlike that may affect the flow of water within an ordinary watercourse, and proposals for culverting of ordinary watercourses, will require an application for Flood Defence Consent under Section 23 of the Land Drainage Act 1991.

At present such applications should be made to the Environment Agency. Due to new and changing legislation, from 6th April 2012 any such applications should be made to the relevant Lead Local Flood Authority – in this case Central Bedfordshire Council.

4. **Environment Agency - Cemetery**

An appropriate risk assessment may be required to determine the potential pollution risks to controlled waters from the proposed cemetery development. Please refer to the Agency booklet 'Assessing the Groundwater Pollution Potential of Cemetery Developments'.

5. **Environment Agency - foul drainage**

Foul drainage should be connected to the main sewer. Where this is not possible and it is proposed to discharge treated effluent to ground or to a surface watercourse the applicant may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will only be granted where the risk to the environment is acceptable.

6. **Environment Agency - Sustainable Drainage Systems.**

In accordance with our Groundwater Protection: Policy and Practice (GP3) document, we offer the following advice on Sustainable Drainage Systems (SUDS):

Soakaways must be constructed in line with guidance provided in Building Research Establishment 365 (BRE365) – Soakaway Design.

SUDS must be constructed in line with guidance provided in Construction Industry Research and Information Association C697 (CIRIA C697) - The SUDS Manual.

Direct discharges into groundwater of surface water run-off are not acceptable.

All infiltration structures (permeable pavements, infiltration trenches, soakaways, etc.) should be constructed to as shallow a depth as possible to simulate natural infiltration. The maximum acceptable depth for infiltration structures is two metres below existing ground level with the base of these infiltration structures at least 1.2 metres above the highest seasonal groundwater-table. We do not consider deep bore and other deep soakaway systems to be appropriate in areas where groundwater constitutes a significant resource (i.e. where aquifer yield may support or already supports abstraction). Infiltration structures must not be constructed in contaminated ground. Only clean, uncontaminated water should be discharged to any infiltration structure. Infiltration structures should only be used in areas on site where they would not present a risk to groundwater. If permitted, their location must be approved in writing by the Local Planning Authority (LPA).

Prior to being discharged into any surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination should be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water should not pass through the interceptor and should discharge to separate infiltration systems to those used for road and vehicle parking areas. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to surface waters.

Any SUDS from car or lorry parking areas would need to incorporate suitable measures for the protection of water quality, this is likely to include measures to mitigate the discharge of hydrocarbons to surface water or ground. Details of treatment techniques are outlined in CIRIA Report C609. We would wish to be consulted on any protection measures.

Any oil interceptors should include separate provision for the interception and removal of sediment (as collection of solids within the interceptor will reduce the capacity and function of the interceptor). Any oil interceptors/sediment chambers should be regularly maintained in accordance with manufacturers guidelines.

Storage of domestic oil in above ground tanks >3500 litres must be undertaken on site in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Storage of domestic oil in above ground tanks <3500 litres must be undertaken in accordance with Approved Document J of the Building Regulations.

7. The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.
8. Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately.
9. With respect to the construction phase the applicant has cited a number of measures to minimise the escape of dust. Reference should be made also to the Mayor of London's Best Practice Guidance (BPG) *The control of dust and emissions from construction and demolition*. Mitigation measures should also include solid barriers to the site boundary where necessary.

The Council does not specify permitted noise levels, instead contractors shall employ the "best practicable means" as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from their operations and shall have regard to British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites.

Measures would include contractors taking all reasonable steps to minimise noise and be reasonable in the timing of any high noise level activities. These steps may include, though not exclusively, noise mitigation measures such as temporary screening and/or at source insulation, all vehicles, plant and machinery used during the operations fitted with effective exhaust silencers and that all parts of such vehicles, plant or machinery maintained in good repair and in accordance with the manufacturer's instructions and so operated and orientated so as to minimise noise emissions. Where possible the use of generators should be avoided and mains electricity used. All compressors used shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed when the machines are in use. Where other alternatives are proposed these should be approved by the Local Authority. All ancillary pneumatic percussive tools should be fitted with approved mufflers or silencers of the type recommended by the manufacturers. All of these items must be kept in good repair and any machinery used intermittently should be shut down when not in use or, where this is impracticable, should be throttled back to a minimum.

10. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

11. This consent is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation responses and comments as detailed in the Late Sheet:
 - a. A letter had been received from Hogan Lovells / DTZ representing the land owners of the "Chiltern Hunt" which asked a number of questions and responses were provided in the late sheet.
 - b. An email was received from someone unable to attend the meeting. The points raised were covered and addressed within the report.
 - c. An additional representation was received from 122 Nelson Road, Leighton Buzzard– highlighting the urban sprawl and the loss of Leighton Buzzard as a town.]

Item No. 5

APPLICATION NUMBER	CB/11/01937/OUT
LOCATION	Chamberlains Barn Quarry, Heath Road, Leighton Buzzard
PROPOSAL	Outline: Mixed development including up to 950 dwellings; a site for a lower school; a local centre comprising retail and community uses; informal open space and country park, incorporating allotments, orchards, new tree and shrub planting, and play areas.
PARISH	Leighton-Linslade
WARD	Leighton Buzzard North
WARD COUNCILLORS	Cllrs Johnstone, Shadbolt & Spurr
CASE OFFICER	Vicki Davies
DATE REGISTERED	03 August 2011
EXPIRY DATE	02 November 2011
APPLICANT	Arnold White Estates Ltd
AGENT	Hives Planning Limited
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Departure, Major application recommended for approval and with objections from Eggington Parish Council and Heath and Reach Parish Council.
	Outline Application - Approval

Recommendation

That, subject to the referral of the application to the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the completion of a prior Section 106 Agreement that the Interim Assistant Director Planning be authorised to grant Planning Permission if the Secretary of State does not call in the application and in doing so, to make such amendments to the schedules to the permission as he considers necessary, subject to the following:

RECOMMENDED CONDITIONS

- Approval of the details of the appearance, landscaping, layout, access and scale of the development within each area or sub-area as identified in condition 3, (herein called 'the reserved matters') shall be obtained in writing from the Local Planning Authority before development is commenced within that area or sub-area. The development shall be carried out in accordance with the approved details.**

Reason: To comply with Article 4 (1) of the Town and Country Planning (Development Management Procedure) Order 2010.

- 2 Application for approval of the reserved matters for each area or sub-area, as identified in condition 3, shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission. The development shall begin no later than 5 years from the approval of the final reserved matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 **Prior to the submission of the first reserved matters, an areas plan for the entire application site shall be submitted to and approved in writing by the Local Planning Authority. The areas plan shall show a minimum of 4 character areas and shall define the location and extent of each residential area and the number, size and tenure of dwellings in each area; and also define the timing of provision of the movement network, vehicular access point(s) open space and play areas and surface water attenuation areas for each area. The development shall be carried out in accordance with the approved areas plan.**

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority in accordance with Policy BE8 of the South Bedfordshire Local Plan and Policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 4 No more than 950 dwellings, a site for a lower school of 2ha; a local centre comprising retail and community uses; informal open space and country park, incorporating allotments, orchards, new tree and shrub planting, and play areas shall be constructed on the site pursuant to this planning permission in accordance with the parameter plan reference Figure 1.3A entitled Chamberlains Barn Parameter Plan.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority in accordance with Policy BE8 of the South Bedfordshire Local Plan and Policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 5 **No reserved matters pursuant to an area or sub-area shall be submitted until an Area Design Code ('ADC'), has been submitted to and approved in writing by the Local Planning Authority in relation to that area or sub-area.**

Reason: To ensure that the Area Design Codes are of a localised nature and are produced to assist in setting out the details of the development in a planned manner and to ensure that the details and appearance of the development are acceptable to the Local Planning Authority and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004), Policy 43 of the Development Strategy Central Bedfordshire Revised Pre-Submission Version May 2014 and Paragraph 59 of the National Planning Policy Framework (2012).

6 **No development shall commence until an overarching Landscape and Open Space Strategy has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Open Space Strategy shall set out the in principle requirements for treatment of the areas of landscaping and open space and their relationship with Sustainable Urban Drainage Systems (SUDS) shall be in accordance with the principles within the submitted Design and Access Statement and the areas plan approved by condition 3 and shall include:**

- a) a programme for implementation, particularly with regard to advanced planting;
- b) long-term design objectives for the laying out of areas of green infrastructure and open space within the residential development areas including any replacement planting;
- c) short and long-term management responsibilities;
- d) maintenance schedules for all hard and soft landscape areas and open spaces (other than privately owned domestic gardens), and any associated features.

The development shall be carried out in accordance with the approved overarching Landscape and Open Space Strategy.

Reason: To ensure a satisfactory appearance of the development in accordance with policy BE8 of the South Bedfordshire Local Plan and policies 43 and 56 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

7 **No development shall take place until a revised surface water drainage strategy, based upon the Flood Risk Assessment and drainage strategy Ref 3723.FRA.03 by Stuart Michael Associates dated 9 August 2013, has been submitted to and approved by the Local Planning Authority. The revised surface water drainage strategy should include the following additional information:**

- **Calculations demonstrating that the proposed discharge to the ordinary watercourse will not exceed the existing greenfield runoff rate from the portion of the site which would drain to that watercourse.**
- **Phasing and proposed runoff from each parcel of the site in accordance with the total discharge rates.**
- **Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.**
- **The attenuation pond(s) should be designed to ensure that: there is a barrier between surface water and groundwater; that there will be no vertical pathways; and that increased groundwater pressure on the liner is allowed for.**

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, reduce the risk of flooding to the proposed development and future users, reduce the risk of increased flooding downstream by ensuring that the capacity of the receiving system is not exceeded and to prevent pollution of groundwater in accordance with policy 49 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version May 2014.

8 No development shall commence in any area, as defined by the areas plan required by condition 3, until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Details of all elements (i.e. modelling reference labels, designs, diameters, gradients, dimensions, and so on of all pipes, inspection chambers, and flow control device(s)) of the proposed drainage systems should be provided as part of the detailed surface water drainage scheme.
- Overland flood flow routes and subsequent flood risk in the event of surface water system failure. It is essential the flood flow is routed away from vulnerable areas and property, and that the development remains “safe”.
- Clear details of the ownership and responsibility of maintenance of all drainage including pipe networks, control structures and SuDS elements for the lifetime of the development.
- Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.

Reason : To prevent the pollution of controlled waters in accordance with Policies 44 and 49 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

9 No development shall commence in any area, as defined by the areas plan required by condition 3, of the development (including any works of demolition) until a Construction Environmental Management Plan (‘CEMP’) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with the Framework Construction Environment Management Plan submitted as part of this planning application and shall include details of:

- a) Environment Management Responsibilities;
- b) Construction Activities and Timing;
- c) Plant and Equipment, including loading and unloading;
- d) Construction traffic routes and points of access/egress to be used by construction vehicles;
- e) Details of site compounds, offices and areas to be used for the storage of materials;

- f) **Utilities and Services;**
- g) **Emergency planning & Incidents;**
- h) **Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- i) **On site control procedures:**
 - i. **Traffic mitigation measures including traffic management and parking**
 - ii. **Temporary haulage routes**
 - iii. **Air and Dust quality**
 - iv. **Noise and vibration**
 - v. **Waste and Resource Management**
 - vi. **Agricultural Soils and Materials**
 - vii. **Temporary surface water drainage during construction**
 - viii. **Protection of Controlled Waters**
 - ix. **Trees, Hedgerows and Scrub**
 - x. **Ecology**
 - xi. **Archaeological and Cultural Heritage**
 - xii. **Visual and Lighting**
 - xiii. **Utilities and Services**
 - xiv. **Protection of water resources**
 - xv. **Protection of species and habitats**
- j) **Detailed phasing plan to show any different phasing, different developers and/or constructors to be updated on an annual basis;**
- k) **Details for the monitoring and review of the construction process including traffic mitigation (to include a review process of the Construction Environmental Management Plan during development).**

Any development hereby permitted shall be carried out only in accordance with the approved CEMP.

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with Policy 44 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 10 Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters (particularly the Principal Aquifer below the site and Clipstone Brook considered as protected waterbodies under the EU Water Framework Directive) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3) and to protect human health and the environment in accordance with Policy 44 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 11 **No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.**

Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policies 44 and 49 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 12 **No dwellings shall be occupied, in any area or sub-area as identified in condition 3, until mitigation, conservation and enhancement measures as set out in chapter 5 of the Environmental Statement have been implemented.**

Reason: To ensure all impacts on ecology from development are taken into account and mitigated in accordance with Policy 57 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 13 **No development shall take place in an area or sub area of the development as identified in condition 3 of this permission until details of the plans and sections of the proposed estate roads in that area, including gradients and method of surface water disposal have been submitted to and approved in writing by the Local Planning Authority and no building within that area shall be occupied until the section of road which provides access thereto has been constructed in accordance with the approved details.**

Reason: To ensure that the proposed road works are constructed to adequate standard in accordance with policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 14 **No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:**

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.

2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.

3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the Principal Aquifer below the site and Clipstone Brook considered as protected waterbodies under the EU Water Framework Directive) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3) and to protect human health and the environment in accordance with Policy 44 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 15 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the Principal Aquifer below the site and Clipstone Brook considered as protected waterbodies under the EU Water Framework Directive) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3) and to protect human health in accordance with Policy 44 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 16 **No development shall take place in any area or sub area of the development as identified in condition 3 until a written scheme of archaeological investigation and recording has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved scheme and its subsequent amendments.**

Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development or to secure the protection and management of any archaeological remains which may be preserved *in situ* within the development site in accordance with Policy 46 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 17 **Prior to commencement of any development on any area, as defined by the areas plan required by condition 3, no tree or hedgerow shall be lopped, topped or felled and an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved statement and plan.**

Reason: To safeguard existing trees on site in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 43 and 59 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 18 **Prior to commencement of development in each area approved by condition 3 of this permission, a scheme showing the proposed boundary treatment of that area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the type and height of fences, hedges, walls or other means of enclosure. The approved scheme shall be implemented before the adjacent residential units are first occupied.**

Reason: To ensure a satisfactory appearance for the development and to safeguard the amenity of future occupiers in accordance with Policy BE8 of the South Bedfordshire Local Plan and policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 19 **No development shall take place in an area or sub-area of the development approved as per condition 3 above until there has been submitted to and approved in writing by the Local Planning Authority a detailed waste audit scheme for that area. The waste audit scheme shall include details of refuse storage and recycling facilities. The development of dwellings and/or commercial units in each area shall be carried out in accordance with the approved details and shall not thereafter be used for any other purpose.**

Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 20 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all dwellings as is necessary to achieve as a minimum standard an internal noise level of 30dB_{LAeq}, 23:00-07:00 and 45dB_{LAm}, 23:00-0700 for bedrooms and 35dB_{LAeq}, 07:00-23:00 for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55dB_{LAeq}, 1hr in outdoor amenity areas. Any works which form part of the scheme approved by the Local Planning Authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing before any permitted dwelling is occupied, unless an alternative period is approved in writing by the authority.

Reason: In the interests of residential amenity, in accordance with policy BE8 South Bedfordshire Local Plan and policy 43 of Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 21 **The details required by condition 1 of this permission in relation to each area approved by condition 3 shall include details of the finished floor and site levels including full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out strictly in accordance with the approved level details.**

Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with policy BE8 of South Bedfordshire Local Plan and policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 22 The details required by condition 1 of this permission in relation to each area approved as per condition 3 shall include a scheme for parking, and garaging for the residential units in that area. The parts of each approved scheme pursuant to condition 1 related to each residential shall be made available for use before the residential unit is occupied and those areas shall not thereafter be used for any other purpose.

Reason: To ensure that adequate turning, parking and unloading space is available in the interest of road safety in accordance with policies 27 and 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 23 **No development shall take place until a revised Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highways Agency. The Travel Plan shall include the following:**

The identification of targets for trip reduction and modal shift;

- **The methods to be employed to meet these targets;**
- **The mechanisms for monitoring and review;**
- **The mechanisms for reporting;**
- **The penalties to be applied in the event that targets are not met;**

- **The mechanisms for mitigation including budgetary provision;**
- **Implementation of the travel plan (until full occupation) to an agreed timescale and its operation thereafter;**
- **Mechanisms to secure variations to the travel plan following monitoring and reviews;**
- **Mechanisms for managing the travel plan and coordinating with other travel plans in the East Leighton Linslade development area.**

The completed development shall be occupied in accordance with the approved travel plan which shall be retained in place thereafter unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority in conjunction with the Highway Agency.

Reason: To ensure the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic, to satisfy the reasonable requirements of road safety on the A5 trunk road and connecting routes in accordance with section 10 of the Highways Act 1980 and in the interests of promoting sustainable transport and reducing the number of trips by private car, in accordance with policy 26 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 24 The applicants shall within 4 years of the date of this permission undertaken an assessment of the economic viability of any remaining mineral within the area shown on figure 1.3A Parameter Plan as “quarry” in conjunction with the Mineral Planning Authority.

Should the mineral reserve be found to be economically viable a scheme detailing attenuation measures shall be submitted and approved in writing by the Local Planning Authority. No dwellings shall be occupied within any phase adjacent to the quarry until the attenuation measures have been implemented in full in accordance with the approved details. For the avoidance of doubt “attenuation measures” means noise or other attenuation measures as are necessary to prevent or eliminate nuisance on the relevant phase of the application site attributable to quarrying or restoration works being carried out at Chamberlains Barn, including the use of any haul road to or from the quarry.

The measures shall be retained for as long as they are required to protect residential amenity from the effects of quarrying or restoration activities.

Reason: To avoid any adverse impact on residential amenity as a result of potential future mineral extraction and restoration in accordance with Policy BE8 of the South Bedfordshire Local Plan Review 2004 and Policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 25 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 794_222 revA and Figure 1.3A entitled Chamberlains Barn Parameter Plan.

Reason: For the avoidance of doubt.

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
3. **Flood Risk Informative - Environment Agency**

Greenfield runoff rates

Paragraph 9.3 of the FRA states that the site is partially within the catchment area of the River Ouzel and partly within the catchment area of the Clipstone Brook. The comparison of discharge rates in table 4 demonstrate that discharge from the site will be limited to a rate significantly less than the greenfield rate of the total site and remove some flows from the Clipstone Brook catchment. As there has been flooding to properties along the Clipstone Brook corridor in the past, we welcome any proposals that seek to reduce flow peaks on the Clipstone Brook.

The ordinary watercourse which the site will discharge to enters a culvert after passing under Heath Road, and therefore there is the limited capacity for extra flows within this system. Because the proposals include discharging to the ditch from areas outside of the original catchment, this could exacerbate flood risk within Leighton Buzzard if the greenfield runoff rate was calculated for the entire site, not just the portion of the site which naturally drains towards this watercourse. It is not clear if the reduced greenfield runoff rate fully accounts for this.

SUDs Approval Bodies (SABs)

Please note that the Environment Agency's role in responding to planning applications will change in Spring 2014 with the implementation of schedule 3 of the Flood and Water Management Act.

Sewer Records

We would suggest that Anglian Water are contacted for their most up to date sewer records, as the records included are from 2002 and therefore may not be up to date.

4. **Groundwater and Contaminated Land Technical Comments - Environment Agency**

We will expect to see further information on the points raised in our meeting of 16 October 2013.

We are aware of previous investigations carried out on site as part of a Mineral Resource Investigation and identified contaminated material to have been chemically tested and remediated. However, no groundwater sampling and chemical testing was carried out to ensure there is a low risk from the identified contaminants within the soil, since groundwater was encountered below the site. Therefore, as a way forward we would request that groundwater is appropriately assessed by a competent person and results are submitted to us for review. Should contamination be identified, a detailed Quantitative Risk Assessment will need to be undertaken and a refined Conceptual Site Model submitted. The PRA element of the SLR, Phase 1 Environmental Site Assessment, Report ref. 408.03818.00008, August 2013 is not satisfactory as an updated desk study and a walk over survey is required to present the site at its current condition. Ongoing quarry operations may have significantly altered the levels on site. Therefore, further work on part (1) of Condition 1 is considered necessary with respect to assessing risks to controlled waters. This report should also provide a summary of the results from all former investigations carried out on site to date.

5. **SUDS - Environment Agency**

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

6. **Environment Agency advice**

We recommend that developers should:

- 1) Refer to our "Groundwater Protection: Principles and Practice (GP3)" documents (<http://www.environment-agency.gov.uk/research/library/publications/144346.aspx>);
- 2) Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination (<http://www.environment-agency.gov.uk/research/planning/33740.aspx>);
- 3) Refer to our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health (<http://www.environment-agency.gov.uk/research/planning/121619.aspx>);
- 4) Refer to our "Verification of Remediation of Land Contamination" report (<http://www.environment-agency.gov.uk/research/planning/105704.aspx>);

5) Refer to the CL:aire “Definition of Waste: Development Industry Code of Practice” (version 2) and our related ‘Position Statement on the Definition of Waste: Development Industry Code of Practice’

(http://www.claire.co.uk/index.php?option=com_content&view=article&id=210&Itemid=82 and www.environment-agency.gov.uk/static/documents/Leisure/PS006.pdf);

6) Refer to British Standards BS 5930:1999-2010 and BS10175 and our “Technical Aspects of Site Investigations” Technical Report P5-065/TR (<http://www.environment-agency.gov.uk/research/planning/40387.aspx>);

7) Refer to our “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination” National Groundwater & Contaminated Land Centre Project NC/99/73 (cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf);

8) Refer to our “Good Practice for Decommissioning Boreholes and Wells” (<http://publications.environment-agency.gov.uk/PDF/GEHO0112BWAWE-E.pdf>); and

9) Refer to our website at www.environment-agency.gov.uk for more information.

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

8. With respect to the construction phase the applicant has cited a number of measures to minimise the escape of dust. Reference should be made also to the Mayor of London’s Best Practice Guidance (BPG) *The control of dust and emissions from construction and demolition*. Mitigation measures should also include solid barriers to the site boundary where necessary.

The Council does not specify permitted noise levels, instead contractors shall employ the “best practicable means” as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from their operations and shall have regard to British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites.

Measures would include contractors taking all reasonable steps to minimise noise and be reasonable in the timing of any high noise level activities. These steps may include, though not exclusively, noise mitigation measures such as temporary screening and/or at source insulation, all vehicles, plant and machinery used during the operations fitted with effective exhaust silencers and that all parts of such vehicles, plant or machinery maintained in good repair and in accordance with the manufacturer’s instructions and so operated and orientated so as to minimise noise emissions. Where possible the use of generators should be avoided and mains electricity used. All compressors used shall be “noise reduced” models fitted with properly lined and sealed acoustic covers which shall be kept closed when the machines are in use. Where other alternatives are proposed these should be approved by the Local Authority. All ancillary pneumatic percussive tools should be fitted with approved mufflers or silencers of the type recommended by the manufacturers. All of these items must be kept in good repair and any machinery used intermittently should be shut down when not in use or, where this is impracticable, should be throttled back to a minimum.

9. The consent is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
10. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

11. Anglian Water advise that the development is within 15m of a water tower. Whilst Anglian Water takes all reasonable steps to prevent any nuisance arising from the site, there should be no development within 15m from the boundary of the water tower if the development is potentially sensitive to noise or other disturbance or which might give rise to complaint from the occupiers regarding the location of the water tower.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation responses as detailed in the Late Sheet:
 - a. A letter had been received from Hogan Lovells / DTZ representing the land owners of the "Chiltern Hunt" which asked a number of questions and responses were provided in the late sheet.
 - b. Leighton Linslade Churches response was detailed in full in the Late Sheet.
 - c. Additional representations were received from
 - i. 122 Nelson Road, Leighton Buzzard – highlighting the urban sprawl and the loss of Leighton Buzzard as a town;
 - ii. Waverley, Hillside Road, Leighton Buzzard – residents have been objecting since 1990 when 4000 homes were proposed and the increased number of vehicles at least 2000 merging onto 2 country roads is unsustainable;
 - iii. 118 Heath Road, Leighton Buzzard – highlighting that the provision of the additional school and community facilities would only be provided at certain stages of the development and should something go amiss with the development they would not be delivered. There were also concerns expressed about loss of privacy and overlooking due to the type of properties being located near their home. Lastly they expressed concerns regarding the noise from the Link Road due to their proximity to it; and
 - iv. 36 Cotefield Drive – provided photographs to be included in the Late sheet.
 - v. Specific concerns re property safety were raised from a resident, who lives in an area where the public open space and woodland will be, and the number of people now walking near to their property where currently this does not happen.
 - vi. Officers considered the other issues not included in the Late Sheet were covered within the report.
3. Condition 24 was removed as detailed in the Late Sheet and included as an informative and conditions 25 and 26 renumbered accordingly.]

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Item No. 6

APPLICATION NUMBER	CB/11/01940/FULL
LOCATION	Chamberlains Barn Quarry, Heath Road, Leighton Buzzard
PROPOSAL	Full: A link road from Heath Road to Vandyke Road incorporating re-alignment and bridge over the Narrow Gauge Railway, sewers, pumping station and SUDs basin
PARISH	Leighton-Linslade
WARD	Leighton Buzzard North
WARD COUNCILLORS	Cllrs Johnstone, Shadbolt & Spurr
CASE OFFICER	Vicki Davies
DATE REGISTERED	03 August 2011
EXPIRY DATE	23 November 2011
APPLICANT	Arnold White Estates Ltd
AGENT	Hives Planning Limited
REASON FOR COMMITTEE TO DETERMINE	The application is part of the comprehensive development East of Leighton Linslade and is integrally linked to planning application CB/11/01937/OUT elsewhere on this agenda.
RECOMMENDED DECISION	Full Application - Approval

Recommendation

That, subject to the referral of the application to the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the completion of a prior Section 106 Agreement that the Interim Assistant Director Planning be authorised to grant Planning Permission if the Secretary of State does not call in the application and in doing so, to make such amendments to the schedules to the permission as he considers necessary, subject to the following:

RECOMMENDED CONDITIONS

- 1 The development hereby approved shall be commenced within five 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 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the bridge hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

Reason: To control the appearance of the bridge in the interests of the visual amenities of the locality.

(Policy BE8, South Bedfordshire Local Plan Review 2004 & Policy 43, Development Strategy for Central Bedfordshire, revised pre-submission version May 2014.)

- 3 **No development shall take place in any phase of the development until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme for that phase have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development within that phase (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

Reason: To ensure an acceptable standard of landscaping.

(Policy BE8, South Bedfordshire Local Plan Review 2004 & Policies 43 and 58, Development Strategy for Central Bedfordshire, revised pre-submission version May 2014.)

- 4 **A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected to prevent unauthorised access to the narrow gauge railway. The boundary treatment shall be completed in accordance with the approved scheme before any dwellings are occupied and be thereafter retained.**

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

(Policy BE8, South Bedfordshire Local Plan Review 2004 & Policy 43, Development Strategy for Central Bedfordshire, revised pre-submission version May 2014.)

- 5 **No development shall take place until a revised surface water drainage strategy, based upon the Flood Risk Assessment and drainage strategy Ref 3723.FRA.03 by Stuart Michael Associates dated 9 August 2013, has been submitted and approved by the Local Planning Authority. The revised surface water drainage strategy should include the following additional information:**

- **Calculations demonstrating that the proposed discharge to the ordinary watercourse will not exceed the existing greenfield runoff rate from the portion of the site which would drain to that watercourse.**
- **Phasing and proposed runoff from each parcel of the site in accordance with the total discharge rates.**

- **Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.**
- **The attenuation pond(s) should be designed to ensure that: there is a barrier between surface water and groundwater; that there will be no vertical pathways; and that increased groundwater pressure on the liner is allowed for.**

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, reduce the risk of flooding to the proposed development and future users, reduce the risk of increased flooding downstream by ensuring that the capacity of the receiving system is not exceeded and to prevent pollution of groundwater in accordance with Policy 44 of the Development Strategy for Central Bedfordshire revised pre-submission version May 2014.)

6 No development shall commence until a Construction Environmental Management Plan ('CEMP') has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:

- a) **Environment Management Responsibilities;**
- b) **Construction Activities and Timing;**
- c) **Plant and Equipment, including loading and unloading;**
- d) **Construction traffic routes and points of access/egress to be used by construction vehicles;**
- e) **Details of site compounds, offices and areas to be used for the storage of materials;**
- f) **Utilities and Services;**
- g) **Emergency planning & Incidents;**
- h) **Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- i) **On site control procedures:**
 - i. **Traffic mitigation measures including traffic management and parking**
 - ii. **Temporary haulage routes**
 - iii. **Air and Dust quality**
 - iv. **Noise and vibration**
 - v. **Waste and Resource Management**
 - vi. **Agricultural Soils and Materials**
 - vii. **Temporary surface water drainage during construction**
 - viii. **Protection of Controlled Waters**
 - ix. **Trees, Hedgerows and Scrub**
 - x. **Ecology**
 - xi. **Archaeological and Cultural Heritage**
 - xii. **Visual and Lighting**
 - xiii. **Utilities and Services**
 - xiv. **Protection of water resources**
 - xv. **Protection of species and habitats**

- j) Detailed phasing plan to show any different phasing, different developers and/or constructors to be updated on an annual basis;
- k) Details for the monitoring and review of the construction process including traffic mitigation (to include a review process of the Construction Environmental Management Plan during development).

Any development hereby permitted shall be carried out only in accordance with the approved CEMP.

Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with Policy 44 of the Development Strategy for Central Bedfordshire revised pre-submission version May 2014.

- 7 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters particularly the Principal Aquifer below the site and Clipstone Brook considered as protected waterbodies under the EU Water Framework Directive) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and policy 44 of Development Strategy for Central Bedfordshire revised pre-submission version May 2014.

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters particularly the Principal Aquifer below the site and Clipstone Brook considered as protected waterbodies under the EU Water Framework Directive) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and policy 44 of Development Strategy for Central Bedfordshire revised pre-submission version May 2014.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3723.001 rev D – Link Road and Infrastructure Application – Planning application boundary, 3723.002 revB – Heath Rd Junction Access Scheme Layout, 3723.003 revB – Vandyke Rd Junction Access Scheme Layout, 3723.004 revB – Road 1 (Link/Spine Rd) Layout and Profile Sheet 1, 3723.005 revB - Road 1 (Link/Spine Rd) Layout and Profile Sheet 2, 3723.006 revB - Road 1 (Link/Spine Rd) Layout and Profile Sheet 3, 3723.007 revB - Road 1 (Link/Spine Rd) Layout and Profile Sheet 4, 3723.008 revB - Road 1 (Link/Spine Rd) Layout and Profile Sheet 5, 3723.009 revB - Road 1 (Link/Spine Rd) Layout and Profile Sheet 6, 3723.015revA – Road 1 (link/spine road) Typical Road Construction Details, 3723.016revA – Diverted NGR Scheme and Drainage Layout, 3723.017revA – Diverted NGR vertical profile, 3723.018revA – Diverted NGR Tunnel Sections, 3723.019 – FW and SW Drainage Strategy, 3723.020 – Detention basin and SW outfall, 3723.021 – FW pumping station general arrangement, 3723.SK16revB – Vandyke Junction Access Alternative Layout (Phase 1 AWEL).

Reason: For the avoidance of doubt.

- 10 **Development shall not begin until details of the junction between the proposed link road and the Heath Road have been approved by the Local Planning Authority and the proposed estate road shall not be open to traffic 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 highway and of the proposed estate road in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

- 11 **Development shall not begin until details of the proposed mini roundabouts on the new link road has been approved by the Local Planning Authority**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

- 12 **Development shall not begin until the detailed plans and sections of the link proposed road, 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 in accordance with the approved details.**

Reason: To ensure that the proposed roadworks are constructed to an adequate standard in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

- 13 **Development shall not begin until details of the location of the proposed bus stops along the new link road have been approved by the Local Planning Authority in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.**

Reason: To promote sustainable modes of transport and maintain free flow of traffic.

- 14 **If the proposed link 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 in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

- 15 **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 in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

- 16 **Development shall not begin until the detailed plans of the proposed highway lighting, using light emitting diodes (LED) within the development has been approved by the Local Planning Authority and no building shall be occupied until that lighting has been installed in accordance with the approved details.**

Reason: To ensure that the proposed highways are adequately lit in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. **Environment Agency - Flood Risk Informatives**

Greenfield runoff rates

Paragraph 9.3 of the FRA states that the site is partially within the catchment area of the River Ouzel and partly within the catchment area of the Clipstone Brook. The comparison of discharge rates in table 4 demonstrate that discharge from the site will be limited to a rate significantly less than the greenfield rate of the total site and remove some flows from the Clipstone Brook catchment. As there has been flooding to properties along the Clipstone Brook corridor in the past, we welcome any proposals that seek to reduce flow peaks on the Clipstone Brook.

The ordinary watercourse which the site will discharge to enters a culvert after passing under Heath Road, and therefore there is the limited capacity for extra flows within this system. Because the proposals include discharging to the ditch from areas outside of the original catchment, this could exacerbate flood risk within Leighton Buzzard if the greenfield runoff rate was calculated for the entire site, not just the portion of the site which naturally drains towards this watercourse. It is not clear if the reduced greenfield runoff rate fully accounts for this.

SUDs Approval Bodies (SABs)

Please note that the Environment Agency's role in responding to planning applications will change in Spring 2014 with the implementation of schedule 3 of the Flood and Water Management Act.

Sewer Records

We would suggest that Anglian Water are contacted for their most up to date sewer records, as the records included are from 2002 and therefore may not be up to date.

4. Environment Agency - Groundwater and Contaminated Land Technical Comments

We will expect to see further information on the points raised in our meeting of 16 October 2013 with the applicants.

We are aware of previous investigations carried out on site as part of a Mineral Resource Investigation and identified contaminated material to have been chemically tested and remediated. However, no groundwater sampling and chemical testing was carried out to ensure there is a low risk from the identified contaminants within the soil, since groundwater was encountered below the site. Therefore, as a way forward we would request that groundwater is appropriately assessed by a competent person and results are submitted to us for review. Should contamination be identified, a detailed Quantitative Risk Assessment will need to be undertaken and a refined Conceptual Site Model submitted. The PRA element of the SLR, Phase 1 Environmental Site Assessment, Report ref. 408.03818.00008, August 2013 is not satisfactory as an updated desk study and a walk over survey is required to present the site at its current condition. Ongoing quarry operations may have significantly altered the levels on site. Therefore, further work on part (1) of Condition 1 is considered necessary with respect to assessing risks to controlled waters. This report should also provide a summary of the results from all former investigations carried out on site to date.

5. Environment Agency - General Informatives

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

We recommend that developers should:

1) Refer to our "Groundwater Protection: Principles and Practice (GP3)" documents (<http://www.environment-agency.gov.uk/research/library/publications/144346.aspx>);

2) Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination (<http://www.environment-agency.gov.uk/research/planning/33740.aspx>);

- 3) Refer to our “Guiding Principles for Land Contamination” for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health (<http://www.environment-agency.gov.uk/research/planning/121619.aspx>);
 - 4) Refer to our “Verification of Remediation of Land Contamination” report (<http://www.environment-agency.gov.uk/research/planning/105704.aspx>);
 - 5) Refer to the CL:aire “Definition of Waste: Development Industry Code of Practice” (version 2) and our related ‘Position Statement on the Definition of Waste: Development Industry Code of Practice’ (http://www.claire.co.uk/index.php?option=com_content&view=article&id=210&Itemid=82 and www.environment-agency.gov.uk/static/documents/Leisure/PS006.pdf);
 - 6) Refer to British Standards BS 5930:1999-2010 and BS10175 and our “Technical Aspects of Site Investigations” Technical Report P5-065/TR (<http://www.environment-agency.gov.uk/research/planning/40387.aspx>);
 - 7) Refer to our “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination” National Groundwater & Contaminated Land Centre Project NC/99/73 (cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf);
 - 8) Refer to our “Good Practice for Decommissioning Boreholes and Wells” (<http://publications.environment-agency.gov.uk/PDF/GEHO0112BWAWE-E.pdf>); and
 - 9) Refer to our website at www.environment-agency.gov.uk for more information.
6. This consent is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
 7. 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’s Highway Help Desk, P.O. Box 1395, Bedford, MK45 5AN.
 8. 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 Planning and Control Group, Central Bedfordshire Council’s Highway Help Desk, 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.

9. The applicant is advised that in order to comply with Condition 10 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Planning and Control Group, P.O. Box 13 95, Bedford MK42 5AN.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

It is recommended that planning permission be granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation responses which are detailed within the Late Sheet:
 - a. The Highways Development Control Officer requested additional conditions 10 – 16 as detailed above;
 - b. The Highways Development Control Officer requested 3 additional informatives 7, 8 and 9 be added as detailed above;
 - c. Condition 9 was amended following receipt of amended site plans;
 - d. The Highways Development Control Officer considered the revised plans and provided the following comments:
 - i. Heath Road – amendments have been made as detailed in the Late Sheet are acceptable;
 - ii. Eastern Link Road – amendments have been made to the horizontal alignment to increase the curve length, bus stop locations have been amended and mini roundabout approaches modified to include deflection. The Highways Development Control Officer is satisfied that subject to any minor technical amendments required following a stage 2 safety audit and details submitted in writing in accordance with conditions that the proposed road layout is acceptable.
3. Additional representations were received from:
 - a. Waverley, Hillside Road, Leighton Buzzard – residents have been objecting since 1990 when 4000 homes were proposed and the increased number of vehicles at least 2000 merging onto 2 country roads is unsustainable

- b. 118 Heath Road, Leighton Buzzard – highlighting that the provision of the additional school and community facilities would only be provided at certain stages of the development and should something go amiss with the development they would not be delivered. There were also concerns expressed about loss of privacy and overlooking due to the type of properties being located near their home. Lastly they expressed concerns regarding the noise from the Link Road due to their proximity to it; and
 - c. Officers considered the other issues not included in the Late Sheet were covered within the report.
 - d. It was hoped that a stage 2 safety audit would have been carried out before the Committee meeting, it was considered that only minor technical issues would be raised. It was requested that the Interim Assistant Director of Planning be authorised to agree such minor amendments to the plans as may be necessary following the receipt of the Stage 2 Safety Audit.
4. A letter had been received from Hogan Lovells / DTZ representing the land owners of the “Chiltern Hunt” which asked a number of questions and responses were provided in the late sheet.

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