

**Item No. 8****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>SB/08/01126/TP</b>
<b>LOCATION</b>	<b>Kingswood Works, Woburn Road, Heath And Reach, Leighton Buzzard, LU7 0AZ</b>
<b>PROPOSAL</b>	<b>Demolition of existing industrial unit and erection of four detached low carbon dwellings (Code for Sustainable Homes Level 5 with scope to upgrade to Level 6).</b>
<b>PARISH</b>	<b>Heath &amp; Reach</b>
<b>WARD</b>	<b>Plantation</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Peter Rawcliffe &amp; Alan Shadbolt</b>
<b>CASE OFFICER</b>	<b>Mr C Murdoch</b>
<b>DATE REGISTERED</b>	<b>22 December 2008</b>
<b>EXPIRY DATE</b>	<b>16 February 2009</b>
<b>APPLICANT</b>	<b>Metbrook Ltd</b>
<b>AGENT</b>	<b>Type3 Studio</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Request by Councillor Alan Shadbolt</b>
<b>RECOMMENDED DECISION</b>	<b>Grant subject to Section 106 Agreement</b>

**Recommendation**

To authorise the Assistant Director Development Management to issue the grant of PERMISSION subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure –

- Site Management Strategy and details of funding for management of site in perpetuity;
- Ecological enhancement of development site;
- Details of materials, surface finishes and methods of construction of dwellings and arrangements for surface water drainage;
- Transfer of woodland to Council and payment of contribution towards its management in perpetuity;
- Payment of contribution towards local community facilities;
- Payment of contribution towards local green infrastructure;

and subject to the following conditions:

- 1 The development shall begin not later than three years from the date of this permission.  
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2      **No development shall take place until a landscaping scheme to include any hard surfaces and earth mounding has 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 (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**  
**REASON: To ensure a satisfactory standard of landscaping. (Policy BE8, S.B.L.P.R.).**
- 3      No demolition, construction or excavation or removal of trees shall be carried out on site between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive of any year, unless otherwise approved in writing by the Local Planning Authority.  
**REASON: To safeguard breeding birds.**
- 4      **No development shall take place until a scheme for the parking of vehicles on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the standards of the Local Planning Authority and shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**  
**REASON: To ensure provision for car parking clear of the highway. (Policy T10, S.B.L.P.R.).**
- 5      **No development shall take place until a scheme for screen fencing and/or screen walling has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**  
**REASON: To safeguard the amenity of the area. (Policy BE8, S.B.L.P.R.).**
- 6      Before the site is first occupied and with the exception of the site entrance, the boundary of the development site shall be defined by 2m high 'Weldmesh' fencing or similar, as indicated on Drawing No. 8004/AA/0501 received 14/08/09. Thereafter, such fencing shall be retained at that height and no gaps shall be formed within or under the fencing.  
**REASON: To define the boundary of the development site and to prevent encroachment of the new residential use into the adjoining SSSI woodland. (Policy BE8, S.B.L.P.R.).**
- 7      **No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted, including the proposed 'living roofs' and light wells, 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 buildings. (Policy BE8, S.B.L.P.R.).**

- 8 **No demolition, construction or excavation shall take place until details of the existing ground level and the finished floor levels of the proposed lower ground floor and the ground floor of each dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details of levels.**  
**REASON: To ensure that the proposed lower ground floor is constructed below the existing ground level, in the interests of safeguarding the openness of the Green Belt, and to produce a satisfactory relationship between the various elements of the scheme and adjacent properties.**  
**(Policy BE8, S.B.L.P.R.).**
- 9 **No development shall take place until the positions of the dwellings hereby permitted have been pegged out on site and their positions approved in writing by the Local Planning Authority.**  
**REASON: To enable consideration to be given to the precise layout of the development.**  
**(Policy BE8, S.B.L.P.R.).**
- 10 Any garage or car port and any access thereto shall only be used for purposes incidental to the use of the dwelling for residential purposes and no trade or business shall be carried out therefrom.  
**REASON: To prevent the introduction of any commercial use.**  
**(Policy BE8, S.B.L.P.R.).**
- 11 The development shall not be brought into use until a turning space for delivery vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.  
**REASON: To enable delivery vehicles to draw off, park and turn outside of the limits of the shared private access drive thereby avoiding the reversing of vehicles on to the shared private access drive.**
- 12 **No development shall commence until wheel-cleaning facilities have been provided at the site exit in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development commences and the site developer(s) shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the development has been substantially completed or until such time as the Local Planning Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the shared private access drive have been completed.**  
**REASON: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the shared private access drive during the construction period.**

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order without modification), no additions to, or extensions or enlargements of, the dwellings hereby permitted shall be erected.  
REASON: To safeguard the openness of the Green Belt and to control the external appearance of the dwellings in the interests of safeguarding the special landscape character of the area.  
(Policies NE3 & BE8, S.B.L.P.R.).
- 14 Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no swimming or ornamental pools (other than the 'natural swimming ponds' indicated on Drawing No. 8004/AA/0501 received 14/08/09) and no buildings or other structures shall be erected or constructed within the curtilage of each dwelling  
REASON: To safeguard the openness of the Green Belt and the special landscape character of the area.  
(Policies NE3 & BE8, S.B.L.P.R.).
- 15 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied within relation to that contamination.

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

A survey of the extent, scale and nature of the contamination;

An assessment of the potential risks to:

Human health

Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes

Adjoining land

Ground waters and surface waters

Ecological systems

Archaeological sites and ancient monuments

An appraisal of remedial options, and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

## 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

## 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

REASON (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 16 Prior to the commencement of development 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:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors of
  - 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 site investigation results and the detailed risk assessment (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 (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 controlled waters.

- 17 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, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.  
REASON: To protect controlled waters.
- 18 Piling or any other foundation designs 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 controlled waters.
- 19 No infiltration of surface water drainage into the ground is 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 controlled waters.  
REASON: To protect controlled waters.
- 20 **No development shall take place until a Construction Environment Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. The Construction Environment Plan shall provide details of how the site environment will be protected, what protocols must be followed by all site staff, the timings of the demolition and construction works and details of the contacts from whom advice must be sought on the ecological impacts**

of the construction phase. All construction staff working on site and all visitors to the site during construction shall be made aware of the Construction Environment Plan.

**REASON:** To ensure that all site staff and visitors are made fully aware of the ecological sensitivities of the development site and the adjoining SSSI woodland.

21 No development shall take place until a Method of Construction Statement, to include details of:

- (a) parking of vehicles of site personnel, operatives and visitors,
- (b) loading and unloading of plant and materials,
- (c) storage of plant and materials within the site,
- (d) programme of works,
- (e) provision of any boundary hoarding,
- (f) size limits of construction vehicles working on, delivering to and removing materials from the site,

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.

**REASON:** To control the development in the interests of the amenities of the area.

(Policy BE8, S.B.L.P.R.).

22 No development shall take place until an independently verified Code for Sustainable Homes report that achieves a Code Level 5 rating or above for each dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter, each dwelling shall be provided in accordance with the report before it is first occupied.

**REASON:** To ensure that the proposed dwellings are built to a previously approved standard of environmental performance, as set out in the Code for Sustainable Homes.

23 Notwithstanding the details submitted with the application, no development shall take place until further particulars of the following elements of the proposed scheme have been submitted to and approved in writing by the Local Planning Authority:-

- Details of the community refuse/recycling facility;
- Details of the packaged foul water treatment facility;
- Details of the renewable energy/biomass heating facility;
- Details of the roof-mounted photovoltaic panels;
- Details of the construction and long-term maintenance of the brown or living roofs;
- Details of the construction and long-term maintenance of the 'natural swimming ponds';
- Details of the protection and long-term management of the Pennyroyal population;
- Details of the measures to protect trees both within and adjoining the site;
- Details of the approved plant list;
- Details of all external lighting;
- Details of the proposed treatments for the site boundary, including along the shared private access drive and the junction with Woburn Road;

- **Details of the measures to remove rhododendron beside the shared private access drive.**

**Thereafter, the development shall be carried out in accordance with the approved details.**

**REASON: To ensure that the environmental and ecological enhancements that form an integral part of the proposed scheme are secured throughout the life of the development.**

- 24 This permission relates only to the details shown on the Site Location Plan and Drawing Nos. 8004/AA/0050, 8004/AA/0051, 8004/AA/0500, 8004/AA/0510, 8004/AA/0511, 8004/AA/0512, 8004/AA/0513, 8004/AA/0520, 8004/AA/0521, 8004/AA/0522, 8004/AA/0523, 8004/AA/0530, 8004/AA/0531, 8004/AA/0532, 8004/AA/0533, 8004/AA/0540, 8004/AA/0541, 8004/AA/0542, 8004/AA/0543, 8004/AA/0600, 8004/AA/0601, 8004/AA/0602, 8004/AA/0603, 8004/AA/0604, 8004/AA/0605, 8004/AA/0710, 8004/AA/0711, 8004/AA/0720, 8004/AA/0721, 8004/AA/0730, 8004/AA/0731, 8004/AA/0740 and 8004/AA/0741 received 10/12/08 and Drawing No. 8004/AA/0501 received 14/08/09 or to any subsequent appropriately endorsed revised plan  
REASON: To identify the approved plans and to avoid doubt.

## **Notes to Applicant**

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

### **Regional Spatial Strategy**

#### **East of England Plan (May 2008)**

Policy SS1 – Achieving Sustainable Development.

Policy SS4 – Towns other than Key Centres and Rural Areas.

Policy SS7 – Green Belt.

Policy E1 – Job Growth.

Policy H1 – Regional Housing Provision 2001 to 2021.

Policy ENV1 – Green Infrastructure.

Policy ENV2 – Landscape Conservation.

Policy ENV3 – Biodiversity and Earth Heritage.  
Policy ENV5 – Woodlands.  
Policy ENV7 – Quality in Built Environment.  
Policy ENG1 – Carbon Dioxide Emissions and Energy Performance.  
Policy ENG2 – Renewable Energy Targets.  
Policy WAT1 – Water Efficiency.  
Policy WM1 – Waste Management in Development.

**Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)**  
Strategic Policy 3 - Sustainable Communities.

**Bedfordshire Structure Plan 2011**  
Policy 7 – Areas of Great Landscape Value.

**South Bedfordshire Local Plan Review**  
Policy NE3 – Control of development in Areas of Great Landscape Value.  
Policy BE8 – Design and environmental considerations.  
Policy H2 – Making provision for housing via ‘fall-in’ sites.  
Policy E2 – Control of development on employment land outside Main Employment Areas (Category 2).

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. 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.
4. In respect of Condition 24, the Preliminary Investigation Report has demonstrated that there are several contamination sources on site which could potentially have an impact on controlled waters and the surrounding SSSI. The Environment Agency therefore agrees with the proposals to carry out further site investigation to establish contamination levels present on the site.  
In section 8.5.2 (b) it is not clear as to whether groundwater quality will be sampled alongside soils, therefore the Environment Agency recommends that groundwater sampling is carried out as part of the site investigation.  
The Environment Agency recommends that developers should:
  1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
  2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that the Environment Agency requires in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
  3. Refer to the website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

Land contamination investigations should be carried out in accordance with BS 5930:1999 'Code of Practice for Site Investigations' and BS 10175:2001 'Investigation of potentially contaminated sites - Code of Practice'. Soil and water analysis should be fully MCERTS accredited.

Site investigation works should be undertaken by a suitably qualified professional.

It is noted that on the Environment Agency's well archive there are several records of boreholes on site which have been used. If these boreholes are not to be used within the new development, the Environment Agency recommends that they are decommissioned in accordance with Environment Agency guidance 'Decommissioning Redundant Boreholes and Wells'. For a copy please contact your local Groundwater & Contaminated Land Team. By decommissioning boreholes the pathway between the surface and underlying groundwater is removed and the risk from pollutants using this pathway to migrate is reduced.

5. In respect of Condition 26, the proposed foundations for this site have not been confirmed. It is understood from the Preliminary Investigation Report that deep fill trenches are recommended with the possibility of piling. The Environment Agency recommends that piling on contaminated sites underlain by aquifers is avoided where possible, and that non-invasive methods, such as rafts, should be used instead. Where there is no alternative to piling, a method should be selected that minimises the risks of groundwater pollution or gas migration. Mitigation measures and/or environmental monitoring may need to be incorporated into the design. The method selected should be presented in a "Foundation Works Risk Assessment Report" which should be submitted to and approved by the Local Planning Authority before development commences.
6. The application suggests that soakaways and SUDs will be used as part of the drainage for the site. The applicant should note the following comments in respect of the Environment Agency's Groundwater Protection Policy:

P4-1 Regulatory – Direct Discharges – The Environment Agency will not authorise the direct discharge of pollutants into groundwater unless subject to the provisions set out in the Water Framework Directive (2000/60/EC), Article 11(3)(j) and the Groundwater Daughter Directive (2006/118/EC) Article 6.

P4-2 Regulatory – Domestic Discharge - Outside SPZ1, the Environment Agency will not require consent to be held for a discharge to ground of domestic sewage effluent equal to or less than 2 m<sup>3</sup>/day unless we consider that additional control is necessary to protect the underlying groundwater. (Situations where this may apply are given in Section 4.5.)

P4-7 Planning – Deep soakaways – The Environment Agency will object to the use of deep soakaways (including boreholes or other structures that bypass the soil layers) for surface water disposal unless the developer can show:

- there is no viable alternative; and
- that there is no direct discharge of pollutants to groundwater; and
- that risk assessment demonstrates an acceptable risk to groundwater; and

- that pollution control measures are in place.

The application states that soakaways may be placed into the Woburn Sands below the Glacial Till. The Environment Agency recommended depth for the installation of soakaways (and other infiltration systems) is 2m below ground level with a minimum of 1m between the highest seasonal groundwater levels and the base of the soakaway. By placing the soakaways within the Woburn Sands, the discharge would bypass the soil zone which would actively help attenuate any contaminant which may be present within the discharge. Similarly by placing the soakaways at a depth of greater than 2m makes clean-up of contamination in the event of a spill/incident difficult.

P4-5 Regulatory/Planning – Clean Roof Water - The discharge of clean roof water to ground is acceptable both inside and outside SPZ1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground. Open gullies should not be used.

The application is to use a rainwater harvesting system which includes 'natural ponds'. It was understood that surface water from driveways would also drain to these ponds. It is unclear how these are constructed and whether any mitigation measures are likely to be put in place. The Environment Agency therefore requests that further information be provided on the site's drainage system.

P4-12 Planning/Influencing - SUDs - Other than inside SPZ1, the Environment Agency will support the use of sustainable drainage systems for new discharges to ground of surface run-off from roads, vehicle parking and public/amenity areas, provided that an appropriate level of risk assessment demonstrates the groundwater conditions to be suitable. There should be adequate protective measures for groundwater and arrangements for effective management and maintenance of the system. (CIRIA 2000, 2004, 2007 SUDSWG).

No development should take place until an Investigation has been submitted to assess the impact that any SUDs will have on water quality. The Investigation should determine the type of SUDs proposed and mitigation needed. The construction of the SUDs should be carried out in accordance with details submitted to and approved in agreement with the Environment Agency. Drainage systems are to be constructed in line with guidance provided in CIRIA C697, as well as referring to the details given in C609 referred to above and C522 replacement (prior to publication, 2006, refer to CIRIA Report 609).

All infiltration structures (permeable pavements, infiltration trenches, soakaways, etc.) to be constructed to as shallow a depth as possible to simulate natural infiltration.

Base of infiltration structures is to be at least 1 metre above the highest seasonal water-table.

Given that there are boreholes already on site and that it is proposed to use them as a water supply within the new development, careful consideration should be given to the location of soakaways and SUDs. The Environment Agency recommends that a suitable risk assessment be carried out to ensure that there is no risk to the boreholes on site which are to be used for future potable water supplies.

[Note In advance of the consideration of the application, the Committee were advised of consultation received as set out in the late sheet appended to these minutes.]