

## **Item No. 10**

<b>APPLICATION NUMBER</b>	<b>CB/11/03933/FULL</b>
<b>LOCATION</b>	<b>Land at Vimy Road, Linslade, Leighton Buzzard, LU7 1ER</b>
<b>PROPOSAL</b>	<b>Construction of 32 No. small flats in a four storey block with associated parking.</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Linslade</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Hopkin, Janes &amp; Warren</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>18 January 2012</b>
<b>EXPIRY DATE</b>	<b>18 April 2012</b>
<b>APPLICANT</b>	<b>W E Black Ltd</b>
<b>AGENT</b>	<b>W J Macleod Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Alan Shadbolt due to public interest and the history of the site</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

### **Site Location:**

The application site lies to the west of Leighton Buzzard Town Centre and is located on former industrial land (Dunham and Haines) to the north of Leighton Road and west of the River Ouzel. The site comprises an irregular shaped plot with a maximum depth of 73m and a maximum width of 46m. To the north and west the site shares its common boundary with Aldi foodstore and Aldi car park. To the west the site also shares a common boundary with Linslade Motor Services. The site draws access from the Townbridge Mill residential development to the south which is accessed primarily from Vimy Road.

In accordance with the Local Plan allocation of this and adjoining land, there has already been some redevelopment on a comprehensive basis for residential purposes by the grant of two permissions. In March 2005, the Committee resolved to grant permission for phase one (erection of one block of 41no. flats SB/TP/02/1308) and in October 2006, the Committee resolved to grant a phase two permission (for the erection of 32no. flats SB/TP/06/0771). Both phase 1 and 2 have been completed with a parking provision of 0.89 spaces per unit, and have been constructed in red brick and slate, and designed with steeply pitched gables, balconies, brick dentil courses and brick arches. Phase 2 is used solely as affordable housing, and is owned and managed by Catalyst Housing Group (Housing Association).

The site is primarily served by a single vehicular access which is taken from Vimy Road. The access road, which is approximately 30m long, also serves Linslade Tyres and Linslade Motor Services together with a building of 8 residential flats along its length. At its junction with Vimy Road, users can either turn left and head

toward Leighton Road (some 60m away) or turn right toward Aldi and Tesco supermarkets and a small business park and residential accommodation beyond. In the determination of the above applications for residential redevelopment, it was considered that the proposed access route off Vimy Road would be acceptable in highway terms subject to necessary and appropriate highway improvements to include the creation of a 1.5m wide footway. The site can also be accessed by vehicles from Leighton Road through an archway. Although there was a condition applied to phase 1 to stop-up the access, a legal ruling has decided that Linslade Motors have a legal right to use it and exercise that right by opening gates on Leighton road, as required.

Over the course of construction the developer has proceeded, at his own risk, and there have been several Breach of Condition Notices served, some of which are now resolved; however, largely due to a complex ownership situation on the access road, including unknown ownership of one section, there remain a number of conditions which have yet to be satisfactorily discharged, specifically the standard of the access road and pedestrian route from Vimy Road. In May 2008, the Planning Committee resolved to refuse permission for the Variation of Condition 19 of planning permission SB/TP06/0771 to permit the retention of the existing access from Vimy Road (SB/TP/07/1459) due to an inadequate pedestrian footway. The developer has now constructed a pedestrian footway curb on the southern side of the access road, measuring approximately 0.7m in width. However, this falls well below the 1.5m width footway required by condition 18 of SB/TP/06/0771.

### **The Application:**

The application is a re-submission of a similar scheme that was rejected by the Council and dismissed on appeal by the Inspector, reference, **SB/TP/08/1116**. The application is identical in all respects except that crucially, following the acquisition of land from Aldi on the north side of the access, the current one proposes modifications to the access to address the sole reason for rejecting the previous scheme. The development would involve the erection of a 3.5 storey building of 32 one bed flats with associated parking, located in an area to the north of phase 2 and Linslade Motors, orientated so that the principal elevations would face east and west. The building would be designed in the same style as phases 1 & 2 with steeply pitched gables, balconies, brick dentil courses and brick arches, constructed in brick and slate and measuring between 13.6 & 15m high, 18m deep and 25m wide. The nearest residential properties are approximately 60m to the west of the proposal site (Tudor Court), across the River Ouzel.

The proposal also includes the provision of 20 parking spaces (0.63 spaces per flat), 2 long stay cycle stores (20 spaces) and a building for the provision of refuse and recycling storage. The proposal would be served via the existing access from Vimy Road, which serves both Phases 1 & 2. The ground floor flats would have private patios, with the surrounding land available as amenity land for all occupiers.

In sustainable transport terms, the proposal would involve the upgrading of Public Footpath No. 28 which runs along the River Ouzel eastern boundary to the site. Conceived as part of enhancement works associated with Phases 1 and 2, the footpath would be upgraded and incorporated as part of the "Sustrans" strategic cycle network for this part of the town.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (NPPF)**

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents PPS's and PPGs. The following sections of the NPPF are considered relevant to this application.

Paragraphs 6 to 17 : Achieving Sustainable Development.  
Section 4 : Promoting Sustainable Transport  
section 6 :Delivering a wide choice of high quality homes.  
Section 7: Requiring good design.

### **Regional Spatial Strategy East of England Plan (May 2008)**

H1 Regional Housing Provision 2001 -2021  
SS1 Achieving Sustainable Development  
ENV7 Quality in the Built Environment  
T14 Parking

### **Bedfordshire Structure Plan 2011**

Policy 25 Infrastructure

### **South Bedfordshire Local Plan Review Policies**

BE8 Design Considerations  
T10 Parking - New Development  
H2 Fall-In Sites  
H3 Local Housing Needs  
H1 Provision for Housing

### **Supplementary Planning Guidance**

1. Planning Obligations Strategy, 2010
2. Design in Central Bedfordshire, A Guide for Development, Adopted 23 July 2010.

### **Planning History**

- SB/TP/08/1116 - Refused. Erection of a four storey block of flats containing 32 residential units and associated parking.(Appeal dismissed).
- SB/TP/07/1459 - Refusal for the Variation of condition 19 of planning permission SB/TP/06/0771 to permit the retention of the existing access from Vimy Road.
- SB/TP/07/1458 - Refusal for the Variation of condition 15 of planning permission SB/TP/06/0771 to permit the retention of the existing access from Vimy Road.
- SB/BCN/07/0009- Issued November 2007, regarding non-compliance with Condition 19 of SB/TP/06/0771.

- SB/TP/06/0771 - Permission for the demolition of existing industrial units and erection of 32 no. flats with associated parking and landscaping. Subject to Section 106 Agreement.
- SB/TP/05/1140 - Refusal for the demolition of existing industrial units and residential re-development comprising 60 flats with car parking and landscaping.
- SB/TP/02/1308 - Permission for the erection of one block of 41no. flats together with associated parking. Subject to Section 106 Agreement.
- SB/TP/89/0771 - Permission for the erection of single storey extensions to provide office, wc, spray unit and plant/storeroom.
- SB/TP/88/1605 - Permission for the change of use from warehouse to general industry (car repairs/re-spraying).
- SB/TP/88/1604 - Permission for the change from warehouse to general industry (printing and ancillary offices).

**Representations:  
(Parish & Neighbours)**

Town Council

Objection

- Overdevelopment of the site.
- Insufficient parking provision for the number of dwellings.
- Inadequate access road to the site: the road must be brought to an adoptable standard and an agreement in place for Bedfordshire Highways to adopt the road.
- Every effort is made to place whatever planning conditions are necessary and feasible so as to ensure that the construction of the access road is completed within a reasonable time.
- The planning conditions placed on the adjacent developments should be complied with before any further development is granted.
- Environmental (pollution/noise) concerns due to the siting and proximity of dwellings to an adjacent business (garage).

Neighbours

6,10 , Flat 45, 64,66,  
67, 68,Townbridge Mill,  
D. Joyce & Sons  
Limited, ALDI, Linslade  
Motor Service

Objection

- No further development on this site should be allowed until an adoptable access and footpath have been constructed due to the hazardous situation.
- If planning is granted, 114 flats would be using the access (42 flats in Phase 1, 32 flats in Phase 2, 32 flats in Phase 3, 8 in Brooklands House, 2 working garages plus many people who now use this as a shortcut to and from Tesco and the town using the River Ouzel footpath and all the equipment and lorries needed for construction.

- Previous conditions were breached and could not be enforced by the Council due to problems in identifying the legal owners of the access. In 2009, permission for Phase 3 was refused again because the access road was considered unsafe for vulnerable pedestrians.
- The access is a single track road with small pavement, continually blocked by cars parking on it and large gates from Brooklands House opening across it thus people and two way traffic share the single access road.
- The developer is proposing 32 flats with 20 parking spaces and 20 cycle spaces. This is unrealistic. Most likely there would be 20 privately owned cars and there will be additional visitors and delivery vehicles resulting in traffic congestion.
- It is however desirable that the site should not be left idle. A maximum of 12 flats would be realistic.
- Access is not safe for emergency vehicles to use.
- More land has not been purchased yet to widen the access so the situation still remains as before when the first application was refused.

### **Consultations/Publicity responses**

Highways Officer	Recommends conditions and informatives.
Environmental Health Officer	Recommends conditions to deal with any potential land contamination.
Tree and Landscape Officer	The existing planting should be adequately retained. However, loss of these trees would not be enough to justify refusal of permission.
Housing Development Officer	The required level of affordable housing has already been provided in Phases 1 and 2. This should be tied up in a section 106 Agreement.
Waste Planning Officer	<ul style="list-style-type: none"> <li>• Bin store will need to be able to store 12 x 1100 litre bins.</li> <li>• Details of the design of the bin store that shows how the bins will be placed in order to allow residents to access the bins without first having to move other bins.</li> <li>• Tracking details using the Council's collection vehicle specification.</li> </ul>

Environment Agency	No objection subject to 6 conditions to deal with flood risk, land contamination and pollution of controlled waters.
Buckingham and River Ouzel Internal Drainage Board	Recommends an appropriate condition to deal with flooding.

## Determining Issues

The main considerations of the application are;

1. Principle of the development
2. Access and parking provision
3. Character and appearance of the area
4. Impact on residential amenity
5. Flood protection
6. Other matters

## Considerations

### 1. Principle of the development

The site is allocated for residential development (H1-12) in the South Bedfordshire Local Plan Review, therefore there is no objection in principle to residential development. The guidelines in the schedule accompanying Policy H1 include references to the following for the Local Plan site:

- Requirements for flood protection and mitigation measures to be put in place before development begins
- an indicative net capacity of 54 dwellings, but suitable for high density development including flats.
- Low car parking provision is appropriate.
- Section 106 Agreement required for developer contributions for education, social, recreation/leisure and community facilities.

The previous application that was refused by the Council and subsequently dismissed on appeal, reference **SB/TP/08/01116** is also a material consideration. What the appeal decision confirmed is that the principle of residential development on this site is acceptable subject to the provision of an acceptable access. Since the appeal was determined, two fundamental changes have occurred which are material to the determination of the current application. The applicant confirms that additional land has now been purchased to enable the improvement of the access and the Government abolished most of the national policies and replaced them with the National Planning Policy Framework which came into force on the 27th March 2012.

National advice contained within the NPPF at paragraph 111 states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land. Together with the earlier phases of development, the proposal would provide a total of 106 units, which is well above the indicative

figure set out in the Local Plan. However, we consider that the scale and character of the development would be compatible with the character of the site and area, and in accordance with national advice we consider that effective use would be made of this brownfield site.

The only issue that remains to be resolved is therefore the improvement of the access to the existing and proposed development.

## **2. Access and Parking Provision**

The sole reason for refusing planning permission for the previous application, reference, **SB/TP/08/1116** related to the layout of the means of access as discussed above. This application proposes to increase the number of the flats by 32, to a total of 106 and the use of the Vimy Road access. The application proposes to alter the existing access to address the previous problems and the site plan now shows the whole of the adjoining car park and Aldi site falling within the applicant's control. The applicant states that additional land has been acquired to the north of the existing access road to secure some improvements. The applicant proposes to provide the following :

- a new 2.0m wide footway on the south side of the access;
- a footway protected by bollards to prevent vehicles from parking on it;
- a 4.8m wide carriageway leading to a 3.7m wide "pinch point" at the site access;
- a 1.8m wide parking aisle on the north side which is long enough to accommodate 3 cars; and
- a 0.5m wide margin between the parking aisle and the new fence line.

On the basis of these proposed access improvements, the development would be acceptable subject to the imposition of appropriate conditions and entering into a Section 106 Agreement to ensure that no residential development starts until the approved improved access has been constructed to an adoptable standard and measures are also in place to maintain the access until adoption.

National advice contained within the NPPF at paragraph 203 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Further advice at paragraph 206 is quite clear that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

With regards parking provision, the NPPF places emphasis on the need to promote sustainable means of transport by, among other things, reducing the need to travel. Local Planning Authorities are advised, at paragraph 39 to consider the following factors when setting parking standards:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

The application site is considered highly accessible by public means of transport and the town centre is within walking distance. Whilst the proposed level of parking provision falls below standard, it is considered that a refusal on this basis would be difficult to defend at appeal having regard to the planning history of the site. The scheme has previously been tested at appeal and the Inspector identified the substandard access as the only reason for dismissing the appeal.

The applicant has also agreed to improve the pedestrian access from Townbridge Mill to the River Ouzel footpath to provide for access for all. The continuation of the riverside footpath/cycleway northwards would also be secured by this development and thereby provide an important additional sustainable link for the locality.

### **3. Character and Appearance of the area**

National advice contained at paragraph 56 of the NPPF is quite clear that the Government attaches great importance to the design of the built environment stating that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. In this case, the development would sit comfortably in the proposed location and would complement the first two phases of the development. The proposed design includes steeply pitched gables, brick dentil courses and brick arches, which reflect the vernacular style often found along canal/river frontages. Taken with the balconies, the proposal in design terms is considered to celebrate its waterside frontage location.

### **4. Residential amenity**

The only concern is with regards potential noise disturbance to the future occupiers of the flats due to the proximity of a superstore and a car breakdown garage. However, it is considered that an appropriate condition would adequately mitigate the potential harm.

### **5. Flood Protection**

The application site is located within 10 metres of the River Ouzel, and is shown on the Environment Agency indicative flood zone map as an area within Flood Zone 2&3 (Area of medium and high risk). As a consequence a flood risk assessment was submitted with the application by Westwood Environmental Engineering. The Environment Agency has confirmed that the proposed development lies within an area that poses an unacceptable risk to the environment and as such, recommends appropriate conditions in mitigation.

### **6. Other matters**

Whilst the NPPF maintains, at paragraph 12 that the development plan continues to be the starting point in determining applications for development in line with section 38(6) of the Planning and Compulsory Purchase Act 2004, it nevertheless states, at paragraph 14 that Local Planning Authorities should approve development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or where specific policies in



this Framework indicate development should be restricted. Development Plans adopted outside the framework of the 2004 Planning Act are considered, for purposes of the NPPF, to be out of date. The South Bedfordshire Local Plan Review falls into this category. In such cases, due weight can only be given to relevant policies in the existing plans according to their degree of consistency with the Framework, the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

It is considered that the policies relied upon to determine the current application are broadly consistent with the NPPF and as such, have been given significant weight., other than Policy T10 for controlling parking in new developments.

A petition signed by interested parties was received opposing the proposed development primarily on the grounds that the existing access is not fit for purpose and the proposed development would only make the situation even worse. The matters raised in the petition have planning merit and have been given significant weight in the determination of this application. It is therefore considered that the current application presents a good opportunity to resolve the access issues given that this could not be resolved through the previous permissions. The applicant's agent has confirmed that a Section 106 Agreement which requires the improvement of the access prior to the commencement of the development would be acceptable and also for the Agreement including making financial contributions as detailed below:

- £27, 720.00 towards transportation measures
- £24, 672.00 towards Open space/Community Facilities
- £20, 864 towards Health Facilities
- £8,544.00 towards Social and Community Infrastructure
- £1,664.00 towards Waste Management
- £3,584 towards Emergency services
- £10,000.00 towards the provision of public art
- £12,000 to upgrade the section of FP28 that extends northwards from the edge of the development site to the Vimy Road play area (to intersect with the existing cycleway running alongside the river to Twelve Arches) with tarmac. Alternatively, the developer to upgrade this path.

**Total : £109, 048**

#### Affordable Housing

The proposed development requires that 35% of the dwelling units should be provided as affordable housing and this equates to 11 units. It is noted however that this level of provision has already been met in Phases 1 & 2. The Housing Development Officer concurs and requests that this should be reflected in a section 106 Agreement.

**RECOMMENDED to authorise the Head of 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 in respect of:**

- **upgrading the existing access to an adoptable standard prior to commencing and measures to maintain the access prior to adoption**
- **Sustainable transportation measures**
- **Open space/Community Facilities**
- **Health Facilities**
- **Social and Community Infrastructure**
- **Waste Management**
- **Emergency services**
- **Public art**
- **Upgrading Footpath (FP28 )**
- **Retention of existing Affordable Housing Provision at Phases 1 & 2**

**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 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be 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 **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed buildings together with details of**

**window frames, reveals and cills shall be submitted to and approved in writing by the Local Planning Authority. The windows which are intended to be opening shall be designed to ensure adequate ventilation for internal areas when closed.**

**Reason: To control the appearance of the buildings and to ensure that the flats are not adversely affected by external noise.  
(Policy BE8, S.B.L.P.R).**

- 4 Before development begins, a scheme for fencing, to take into account 'Secured by Design' principles, shall be 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 and security of the area.  
(Policy BE8, S.B.L.P.R).**

- 5 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 21 October 2008, reference 940/R03, compiled by Weetwood Environmental Engineering, and the following mitigation measures detailed within the FRA**

1. Limiting the surface water run-off generated by the 100-year (plus climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
3. Flood-resilience measures detailed in section 3.3 of the FRA, in the proposed development.
4. Finished floor levels are set no lower than 82.48 metres above Ordnance Datum (AOD).

**Reasons**

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To ensure safe access and egress from and to the site.
3. To reduce the impact of flooding on the proposed development and future occupants.
4. To reduce the risk of flooding to the proposed development and future occupants.

- 6 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

- 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: The site overlies a principal aquifer – Woburn Sands Formation. Principal aquifers are geological strata that exhibit high permeability and provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale. The regional use of groundwater in the area makes the site vulnerable to pollution. The overlying Secondary aquifer and nearby River Ouzel are also at risk of pollution from this site. The previous uses of the land which include a petrol filling station, engineering works, factories and warehouses suggest that land contamination should be expected until a phased investigation (covering the whole area within the red line boundary of the planning application) concludes otherwise.

- 7
- Prior to construction, 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.

Reason: Should the proposed intrusive investigation identify any soil or groundwater contamination onsite, a validation report demonstrating satisfactory remediation of the site is required prior to commencement of the proposed development.

- 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, 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 ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

- 9 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 prevent the pollution of controlled waters. In accordance with the Environment Agency Groundwater Protection Policy, direct discharges into groundwater of surface water run-off are not acceptable and only clean uncontaminated water should be discharged into any infiltration structures. We do not allow construction of infiltration structures in potentially contaminated land. All surface water drainage from areas susceptible to oil contamination must be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained.

- 10 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.

Reason: The site overlies Principal aquifer. We recommend that piling on 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.

- 11 **Before development begins, a scheme of lighting for the car park shall be 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 ensure security of the car park.  
(Policy BE8, S.B.L.P.R).**

- 12 The bin store shall be kept available for the use of all residents unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure adequate facilities for storage .  
(Policy BE8, S.B.L.P.R).

- 13 Before development begins and notwithstanding the details submitted with the application, details of the specification, design and surface finish to Public Footpath No. 28 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the footpath is constructed to an adequate standard.  
(Policy BE8, S.B.L.P.R).

- 14 **No development shall commence until wheel-cleaning facilities have been provided at all site exits 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 public highway have been completed (apart from final surfacing).**

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

- 15 **Before development begins, a scheme showing the special facilities to be provided for the convenience of disabled persons, particularly those in wheelchairs, including the means of access to any building, their parking facilities and access to any outdoor facilities shall be 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.**

**Reason: To safeguard the interests of disabled persons.  
(Policy BE8, S.B.L.P.R).**

- 16 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.  
(Policy BE8, S.B.L.P.R).

- 17 **No other part of the development hereby approved shall be commenced (within the meaning of Section 56 of the Town and Country Planning Act 1990) until the highway/access improvement works shown on the approved plan - Drawing Number 08/3180/1 Rev A**

have been completed to the written satisfaction of the Local Planning Authority.

**Reason:** In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

- 18 **Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

**Reason:** To ensure the safe operation of the surrounding road network in the interests of road safety.

- 19 **Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

**Reason:** To ensure adequate off street parking during construction in the interests of road safety.

- 20 **Before development begins, details of the levels of the buildings shall be submitted to and approved in writing by the Local Planning Authority, and development shall thereafter be implemented accordingly.**

**Reason:** To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.  
(Policy BE8, S.B.L.P.R).

- 21 **Before development begins, the position of the proposed building shall be pegged out on site and its position 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).

- 22 **Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority for written agreement:**

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

**b) Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.**

- c) Where shown to be necessary by the Phase 2 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.
- d) Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted dwelling is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

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

Applicants are advised that, should groundwater or surface water courses be at risk of contamination during or after development, Environment Agency (EA) approval of measures to protect water resources must be sought. Waste Licensing and related matters are also in the remit of the EA.

Reason: To protect human health and the environment.

- 23 Before development commences a noise attenuation scheme shall be submitted to the Local Planning Authority for its approval in writing. The scheme shall identify any windows which would need to be fixed closed and rooms which would require acoustic ventilation. The approved scheme shall be fully implemented before the development is first occupied or brought into use.

Reason: To safeguard residential amenity and to ensure a satisfactory relationship between the residential units and the nearby commercial units.

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

- 24 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/01, 08/3180/1A, 08/3180/2, 08/3180/3, 08/3180/4 & 08/3180/5.

Reason: For the avoidance of doubt.

## Reasons for Granting

The proposed development would, constitute sustainable development, enable the effective use of land, contribute towards the provision of a wide choice of housing, and through a Section 106 Agreement, would enable the improvement of the access to the existing and proposed development thereby conforming to the



development plan comprising Policies ENV7, H1, SS1, T14 of the Regional Spatial Strategy for the East of England, Policy 25 of the Bedfordshire Structure Plan, BE8, SD1, H2, H3, and T10 of the South Bedfordshire Local Plan Review and national advice contained in the National Planning Policy Framework and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010 and the Planning Obligations supplementary planning document.

**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 Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
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. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk).
4. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

**DECISION**

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