

Item No. 7

APPLICATION NUMBER	CB/12/01255/FULL
LOCATION	53 North Street, Leighton Buzzard, LU7 1EQ
PROPOSAL	Demolition of existing house, outbuildings and boundary wall and redevelopment with 12 houses and 1 flat and all ancillary works and reconstruction of boundary wall to No. 51 North Street
PARISH	Leighton-Linslade
WARD	Leighton Buzzard North
WARD COUNCILLORS	Cllrs Johnstone, Shadbolt & Spurr
CASE OFFICER	Vicki Davies
DATE REGISTERED	20 April 2012
EXPIRY DATE	20 July 2012
APPLICANT	Trustees of the Leighton Buzzard Townlands Trust
AGENT	BHD Ltd
REASON FOR COMMITTEE TO DETERMINE	At the request of Cllr Shadbolt due to concerns regarding the impact on the Listed Almshouses
RECOMMENDED DECISION	Full Application - Granted

Recommendation

That subject to the prior completion of a satisfactory Section 106 Agreement to provide for contributions towards Council services as outlined above and secure a Traffic Regulation Order, that planning permission be granted subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 **Before development begins, a landscaping scheme to include any hard surfaces, boundary treatment 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 commences details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**

**Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.
(Policy BE8, S.B.L.P.R).**

- 4 Development shall not begin until details of a traffic regulation order to control parking within the proposed estate road have been approved by the Local Planning Authority and no building shall be occupied until the traffic regulation order has been implemented in accordance with the approved details.**

Reason: In the interest of highway safety.

- 5 Development shall not begin until details of the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied 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.

- 6 Development shall not begin until the detailed plans and sections of the 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 (apart from final surfacing) in accordance with the approved details.**

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

- 7 No development shall commence until the apparatus for wheel cleaning has been provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The apparatus for wheel cleaning 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.

- 8 **Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 9 **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.

- 10 **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 for that phase:**

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: To protect the quality of inland fresh waters and groundwaters in accordance with policy 9-6 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document.

- 11 **Prior to the commencement of development, 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 the quality of inland fresh waters and groundwaters in accordance with policy 9-6 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document.

- 12 **Prior to any demolition work a full photographic and drawn record (elevations and floor plans) of all buildings proposed for demolition shall be made and submitted to the Local Planning Authority for retention on the Historic Environment Record.**

Reason: In order to record the historic buildings prior to demolition.

- 13 **Prior to the commencement of development drawn details of the constructional method and mortar mixes for the boundary wall to be reconstructed shall be submitted and approved in writing by the Local Planning Authority. The wall shall then be reconstructed in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.**

Reason: In the interests of visual amenity and to protect the setting of the Listed Building.

- 14 **Prior to the commencement of development details of the protection of the rear boundary wall of the Almshouses, forming the eastern boundary of the development site, shall be submitted to and approved in writing by the Local Planning Authority. The protection measures shall remain in place throughout the duration of works on site. Any damage or necessary repairs to the wall shall be undertaken within 6 months of the completion of the development in accordance with details previously agreed in writing by the Local Planning Authority.**

Reason: In order to protect and maintain the Listed Building.

- 15 **Prior to the reconstruction of the boundary wall hereby permitted a sample panel of the proposed boundary wall shall be produced and agreed in writing**

by the Local Planning Authority. The boundary wall shall then be constructed in accordance with the approved sample panel unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to protect the setting of the Listed Building.

- 16 Before the access is first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.

- 17 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured both sides, from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.

- 18 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.

- 19 If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.

Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.

- 20 The turning space for vehicles illustrated on the approved Plan PL-001 rev C

shall be constructed before the development is first brought into use.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 21 The maximum gradient of any vehicular access shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.

- 22 The parking bays denoted with the letter V on plan PL-10.1 shall be kept as unassigned parking for the use of residents in plots 1 to 13 inclusive. They shall be kept in an open condition, fully available for this purpose and no bollard, barrier or similar device or designation signs shall be erected thereon.

Reason: To ensure the permanent availability of car parking spaces for residents and visitors.

- 23 The parking bays shown as HV1 and HV2 on plan PL-10.1 shall be kept as unassigned parking, in an open condition, fully available for this purpose and no bollard, barrier or similar device shall be erected thereon.

Reason: To ensure the permanent availability of car parking spaces.

- 24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no alterations to the carports hereby permitted, including the insertion of a garage door, roller shutter or gate, shall be carried out without the grant of further specific permission from the Local Planning Authority.

Reason: To ensure that parked vehicles do not adversely affect the safety and convenience of users of the highway by overhanging the adjoining public highway.

- 25 No external lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of neighbouring properties and highway safety.
(Policy BE8, S.B.L.P.R).

- 26 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, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect the quality of inland fresh waters and groundwaters in accordance with policy 9-6 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document and Planning Policy Statement 23.

- 27 The development hereby permitted shall be undertaken in accordance with the mitigation and enhancement measures set out in the Ecological Walkover Survey Report unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that there is no detriment to biodiversity and to protect the biodiversity within the site.

- 28 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. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater. There have been historic as well as recent contaminative uses and the Chalk aquifer is a sensitive receptor. Contamination found in the soils is likely to prohibit the use of drainage using infiltration to ground.

- 29 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 groundwater. There have been historic as well as recent contaminative uses on site and the Chalk aquifer is a sensitive receptor. At this stage the design of the foundations is not known and should contamination be found in the soils, this needs to be considered in the foundation proposals.

- 30 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PL-10.1, PL-11.1, PL-12, PL-13, DA-01A, DA-13A & DA-14A.

Reason: For the avoidance of doubt.

Reasons for Granting

The site is part of a site allocated for residential development in Policy H1 (25) of the South Bedfordshire Local Plan Review. The proposed development would not detrimentally impact upon the character and appearance of the Conservation Area or wider streetscene nor would there be any adverse impact on the amenities of neighbouring residents. The proposed development would not have any adverse impact on the adjoining Listed Buildings or the setting of the Listed Buildings. The proposal would not result in any highway, parking or other issues. The scheme by

reason of its siting and design is in conformity with the National Planning Policy Framework and South Bedfordshire Local Plan First Review policies BE8, T10, H1, H3 and H4. It is further in conformity with the Central Bedfordshire Supplementary Technical Guidance "Design in Central Bedfordshire, A Guide for Development".

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. The applicant is advised that in order to comply with Condition 4 of this permission for a new traffic regulation order, the applicant must apply in writing to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BD, quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under the Road Traffic Regulation Act 1984 to be implemented, the cost of which shall be borne by the developer.
4. The applicant is advised that in order to comply with Condition 5 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 Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
5. The applicant is advised that no highway surface water drainage system designed as part of a new development, will be allowed to enter any existing highway surface water drainage system without the applicant providing evidence that the existing system has sufficient capacity to account for any highway run off generated by that development. Existing highway surface water drainage systems may be improved at the developers' expense to account for extra surface water generated. Any improvements must be approved by the Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ.
6. 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 Traffic Management Group Highways and Transport Division, Central Bedfordshire

Council, Technology House, 239 Amphill Road, Bedford MK42 9BD.

7. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
8. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in Central Bedfordshire A Guide for Development" and the Department for Transport's "Manual for Streets", or any amendment thereto.
9. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Guidance - July 2010".
10. The applicant is advised that if it is the intention to request 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 and any proposed traffic regulation orders, shall be submitted to the Highways Development Control Section, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ . 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.
11. Model procedures and good practice. 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 Guiding Principles for Land Contamination for the type of information required 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 our website at www.environment-agency.gov.uk for more information.

12. **Sustainable Drainage Systems**

In accordance with the Environment Agency's 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. Deep bore and other deep soakaway systems are not considered by the Environment Agency 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. 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. The Environment Agency 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.

13. **Piling**

In accordance with Policy 10-3 of the Environment Agency's Groundwater Protection: Policy and Practice (GP3) document we recommend 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.

14. This permission is subject to a legal obligation under Section 106 of The Town and Country Planning Act 1990.

NOTES

(1) In advance of the consideration of the application the Committee were advised of updates to the report in relation to amendments to Paragraph 4, Page 18 under the heading of "The Application". And information regarding Section 106 requirements on Pages 32 & 33.

(2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.