

Item No. 10

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

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) to include the pedestrian access from the footpath to ensure it is DDA compliant.**
- **Retention of existing Affordable Housing Provision at Phases 1 & 2**

- **Provision of five disabled parking spaces**

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.

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.

(1) In advance of the consideration of the application the Committee were advised of additional consultation received from a Local resident querying access in relation to the Section 106 Agreement.

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