

Item No. 18

APPLICATION NUMBER	CB/11/02261/OUT
LOCATION	Land at Pratts Quarry north of the A505, known as Pulford Corner, Leighton Linlade
PROPOSAL	Outline application for residential development of up to 75 dwellings, together with associated landscaping, open space, parking and access
PARISH	Leighton-Linslade
WARD	Leighton Buzzard South
WARD COUNCILLORS	Cllrs Berry, Bowater & Dodwell
CASE OFFICER	Adam Davies
DATE REGISTERED	09 August 2011
EXPIRY DATE	29 November 2011
APPLICANT	Arnold White Estates Ltd
AGENT	Mr M Schnull
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Unresolved Town Council objection to major application Subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the completion of a prior Section 106 Agreement to secure essential planning obligations, Planning Permission be GRANTED

Recommendation

That, subject to the prior consultation of the Secretary of State, in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the completion of a prior Section 106 Agreement to secure access to Astral Park proposed community facilities for the locality, the bringing forward of access to Billington Road for pedestrians and cyclists; the laying out of the areas of informal open space and amenity land forming part of the development site; and essential planning obligations, that the Head of Development Management be authorised to GRANT Planning Permission subject to the following:

- 1 An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 (2) (a) and (4) of the Town and Country Planning Act 1990.

- 2 Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Plans and particulars of all of the reserved matters referred to above shall be submitted in writing to the Local Planning Authority and the development shall be implemented as approved.

Reason: To enable the Local Planning Authority to exercise control over the said matters which are not particularised in the application for planning permission in accordance with Section 92 of the Town and Country Planning Act 1990 and Town and Country Planning (General Development Procedure) Order 1995.

- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Sections 92 (2) (b) and (4) of the Town and Country Planning Act 1990.

- 4 **Before development begins, details of the materials to be used for the external walls and roofs of the dwellings hereby approved shall be 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 protect, as far as possible the character of the locality. (Policy BE8 S.B.L.P.R.).

- 5 **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of screen fencing and/or walling and including the timing of its implementation. The development shall be carried out in accordance with the agreed details.**

Reason: To safeguard the amenity of the area. (Policy BE8, S.B.L.P.R.).

- 6 **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 scheme shall provide details of any existing trees and hedgerows to be retained as part of the development and details of protection measures for the retained trees and hedgerows. 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 new and retained 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.).

- 7 **Prior to the commencement of any phase of development approved by**

this planning permission the developer shall submit to the Local 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 Site Investigation, 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) On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and sampling.**

Any remediation scheme, including variations, shall be submitted in writing to the local planning authority for the agreement prior to the commencement of such works. This 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.

- 8**
- Prior to the commencement of the development hereby permitted, the applicant shall submit in writing for the approval of the Local Planning Authority a scheme of noise attenuation measures which will ensure a minimum standard of internal noise level from external noise sources of 30dB LAeq, 23:00-07:00 and that internal noise levels from external noise sources shall not exceed and 45dB LAmax 23:00-07:00 inside any bedroom and 35dB LAeq, 07:00-23:00 in any habitable room. External noise levels from external sources shall not exceed 55dB LAeq 1hour in outdoor amenity areas. Any works which form part of the scheme approved by the Local Planning Authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the local planning authority in writing before any permitted dwelling is occupied, unless**

an alternative period is approved in writing by the Local Planning Authority. The scheme shall identify any windows which need to remain closed in order to limit external road traffic noise to meet this standard. Those windows shall be fixed closed and shall be permanently non-opening. Alternative means of ventilation must be provided in those rooms affected.

**Reason: To protect the amenity of residents.
(Policy BE8, S.B.L.P.R).**

9 **Prior to the commencement of development, a scheme for surface water drainage shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The scheme shall include the following:**

- **Full detailed calculations using FEH rainfall data showing the simulated rainfall storms for the 1 year, 30 year, 100 year and 100 year plus climate change;**
- **Detailed plans and drawings showing the proposed drainage system in its entirety, including location, pipe run reference numbers, dimensions, gradients and levels (in metres above Ordinance Datum). This shall include all elements of the system proposed, including source control, storage, flow control and discharge elements;**
- **Details of flow control measures to be used, demonstrating that runoff rates will not exceed those give in Tables 7 and 8 within Section 6.21 of the agreed Flood Risk Assessment dated 7 June 2011, reference 3722.FRA (FINAL) Issue 02, compiled by Stuart Michael Associates;**
- **Full calculations of the attenuation storage volume required, based on the simulated rainfall runoff and the agreed post-development discharge rates;**
- **Full details o the maintenance and/or adoption proposals for the drainage system including all elements listed above.**

The scheme shall be implemented as approved.

Reason: To ensure that suitable provision is made for surface water drainage.

10 **No development shall take place on a phase of the development until there has been submitted to and approved in writing by the Local Planning Authority a detailed waste audit scheme, relating to both the construction works forming part of the development and the subsequent use and occupation of the dwellings and open space created, to include details of:**

- (i) **the anticipated nature and volumes of waste that will be generated by the development;**
- (ii) **measures to minimise the generation of waste as a result of the**

- building, engineering and landscaping works;**
- (iii) measures to maximise the re-use on-site of such waste;**
 - (iv) details of the bin storage and collection arrangements**
 - (v) measures to be taken to ensure effective segregation at source of other waste arising during the carrying out of such works, including the provision of waste sorting, storage, recovery and recycling facilities as appropriate;**
 - (vi) measures to be taken to encourage the users and occupiers of the completed development to manage their waste effectively and sustainably;**
 - (vii) provisions for the monitoring of (i) to (v); and**
 - (viii) the timing of its implementation;**

The measures forming part of that scheme shall be carried out in accordance with it.

Reason: In the interests of amenity and to ensure waste is managed effectively and sustainably.

11 Prior to the initial occupation of the development, a residential travel plan shall be submitted to and approved in writing by the Council. The travel plan shall include details of:

- Predicted travel to and from the site and targets to reduce car use.
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks.
- Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.
- Timetable for implementation of measures designed to promote travel choice.
- Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the planning authority.
- Details of provision of cycle parking.
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome packs to include walking, cycling, public transport and rights of way information.
- Details of the appointment of a travel plan co-ordinator.

The travel plan shall then be implemented in accordance with the timetable contained therein.

Reason: To reduce reliance on the private car by promoting public transport and sustainable modes of transport.

12 **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. Before the initial occupation of the individual dwellings the cycle parking scheme for that individual dwelling shall be fully implemented 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.

- 13 **No development shall take place until a scheme for the laying out, landscaping and maintenance and management of all of the areas of informal open space and amenity land forming part of the development site, including that under the overhead pylons crossing the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timing of its implementation and shall reflect the need to integrate the development with the surrounding lakeside landscape and enhance the visual amenity of the site to both passive and active users of the lake. The landscape management plan shall provide long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas including details of any new habitat features to improve the area for European protected and BAP species. The works and other measures forming part of that scheme shall be carried out in accordance with it.**

Reason: To protect and enhance the character of the locality and ensure the protection of wildlife and supporting habitats opportunities (Policy BE8 S.B.L.P.R and Policy ENV1 E.E.P).

- 14 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted parameter plan number FIGURE 1.31. Revision D.

Reason: For the avoidance of doubt.

15. Prior to the occupation of the site, and until such a time that the waterbody proposed to receive surface water from this site (known as "Pratts Pit Water Park") has been appropriately designed to do so and is fully operational, an interim plan for the management of the surface water drainage system from this site shall be submitted in writing to and agreed with the Local Planning Authority. Such a plan shall include details regarding proposed maintenance regime, timescales involved, responsible parties, and emergency contact details. The development shall then be carried out in accordance with the approved interim drainage plan.

Reason: To reduce the risk of flooding from surface water as a result of the development by ensuring the drainage system is maintained appropriately.

16. Prior to the occupation of the site, and until such a time that the waterbody proposed to receive surface water from this site (known as "Pratt's Pit Water Park") has been appropriately designed to do so and is fully operational, an interim plan for the management of the surface water drainage system from this site shall be submitted in writing to and agreed with the Local Planning Authority. Such a plan shall include details regarding proposed maintenance regime, timescales involved, responsible parties, and emergency contact details. The development shall then be carried out in accordance with the approved interim drainage plan.

Reason: To reduce the risk of flooding from surface water as a result of the development by ensuring the drainage system is maintained appropriately.

Reasons for Granting

The proposed residential scheme would be inappropriate development within the Green Belt. However, having regard to the provisions of the Southern Leighton Buzzard Development Brief (2006); the Unilateral Undertaking of the adjoining residential development at Site 15C-D allowed at appeal; that the limited importance of the area to the long term Green Belt is therein acknowledged; the bringing forward of the provision of access to Astral Park proposed community facilities for the locality; the bringing forward of access to Billington Road for pedestrians and cyclists; and the securing of essential contributions required for the larger urban development, it is considered that, on balance, very special circumstances exist which are sufficient to clearly outweigh the harm to the Green Belt arising from the development and the loss of part of the Proposed Area of New Urban Open Space. Having regard to The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the Environmental Statement and its addendum of June 2012 which have been submitted in support of the application, it is considered that there are no undue adverse impacts upon the environment, or other matters of acknowledged importance. The proposed development is capable of achieving an acceptable scheme in terms of the impact upon the character and appearance of the locality and incorporating adequate landscaping, road, cycle and footpath routes, parking, amenity areas and residential mix. The proposal is therefore in conformity with Supplementary Planning Guidance contained within Central Bedfordshire Design Guide: A Guide for Development 2010, the Council's Planning Obligations SPD, the development plan policies comprising the East of England Plan (May 2008), the Milton Keynes & South Midlands Sub-Regional Strategy, the Bedfordshire Structure Plan 2011, the South Bedfordshire Local Plan Review and national guidance contained in the National Planning Policy Framework.

Notes to Applicant

1. The development is subject to a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Development Plan comprising of the East of England Plan (May 2008), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review.
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. The watercourse along the southern boundary of the site is within the control of the Buckingham and River Ouzel Internal Drainage Board. No development should take place within 9 metres of the bank top without the Board's consent. This includes planting, fencing or other landscaping.
5. With respect to the construction phase, the applicant has cited a number of measures to minimise the escape of dust. The applicant's attention is also

drawn to the Mayor of London's Best Practice Guidance *The Control of Dust and Emissions from Construction and Demolition*. Mitigation measures should also include solid barriers to the site boundary where necessary. Contractors shall employ the "best practicable means" as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from their operations and shall have regard to British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites. Normal working hours are 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday and no working on Sunday, Bank Holidays and Public Holidays.

6. With regard to the requirement for a surface water drainage scheme as part of this permission and the submitted Flood Risk Assessment dated 7 June 2011, reference 3722.FRA (FINAL) Issue 02, compiled by Stuart Michael Associates, the applicant is advised that the following detailed matters require further consideration:
- (a) The figures for QBAR in Table 1 (Section 6.9) should be given as litres per second, not litres per second per hectare;
 - (b) Section 6.17 should be amended to demonstrate that water butts will not be considered in any calculations as a method of source control. These are water efficiency measures and are therefore to be encouraged. However, they are unreliable as a measure of source control;
 - (c) Figure 3 shows a diversion of a watercourse, although this is not referred to within the Flood Risk Assessment.
 - (d) All of the simulated storm return periods within appendices G and H are greater than 60 minutes in duration. It is recommended that FEH rainfall data (as opposed to FSR) is used in these circumstances.
- Should you wish to discuss these matters further please contact the Environment Agency directly prior to the submission of a detailed surface water drainage scheme pursuant to this permission.

[Notes:

1. In advance of consideration of the application the Committee were advised that both the Highways Agency and the Environment Agency had provided comments with the later proposing an additional condition 15 above as detailed in the Late Sheet.
2. In advance of consideration of the application the Committee were advised that the informal open space and amenity land should be contained within a Section 106 agreement to bring it in line with the adjacent site 15C, as detailed in the Late Sheet.
3. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.]