

## **Item No. 5**

<b>APPLICATION NUMBER</b>	<b>CB/11/01937/OUT</b>
<b>LOCATION</b>	<b>Chamberlains Barn Quarry, Heath Road, Leighton Buzzard</b>
<b>PROPOSAL</b>	<b>Outline: Mixed development including up to 950 dwellings; a site for a lower school; a local centre comprising retail and community uses; informal open space and country park, incorporating allotments, orchards, new tree and shrub planting, and play areas.</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Buzzard North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Johnstone, Shadbolt &amp; Spurr</b>
<b>CASE OFFICER</b>	<b>Vicki Davies</b>
<b>DATE REGISTERED</b>	<b>03 August 2011</b>
<b>EXPIRY DATE</b>	<b>02 November 2011</b>
<b>APPLICANT</b>	<b>Arnold White Estates Ltd</b>
<b>AGENT</b>	<b>Hives Planning Limited</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Departure, Major application recommended for approval and with objections from Eggington Parish Council and Heath and Reach Parish Council.</b>
	<b>Outline Application - Approval</b>

### **Recommendation**

That, subject to the referral of the application to 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 that the Interim Assistant Director Planning be authorised to grant Planning Permission if the Secretary of State does not call in the application and in doing so, to make such amendments to the schedules to the permission as he considers necessary, subject to the following:

### **RECOMMENDED CONDITIONS**

- 1 Approval of the details of the appearance, landscaping, layout, access and scale of the development within each area or sub-area as identified in condition 3, (herein called 'the reserved matters') shall be obtained in writing from the Local Planning Authority before development is commenced within that area or sub-area. The development shall be carried out in accordance with the approved details.**

**Reason: To comply with Article 4 (1) of the Town and Country Planning (Development Management Procedure) Order 2010.**

- 2 Application for approval of the reserved matters for each area or sub-area, as identified in condition 3, shall be made to the Local Planning Authority before the expiration of 10 years from the date of this permission. The development shall begin no later than 5 years from the approval of the final reserved matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 **Prior to the submission of the first reserved matters, an areas plan for the entire application site shall be submitted to and approved in writing by the Local Planning Authority. The areas plan shall show a minimum of 4 character areas and shall define the location and extent of each residential area and the number, size and tenure of dwellings in each area; and also define the timing of provision of the movement network, vehicular access point(s) open space and play areas and surface water attenuation areas for each area. The development shall be carried out in accordance with the approved areas plan.**

**Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority in accordance with Policy BE8 of the South Bedfordshire Local Plan and Policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).**

- 4 No more than 950 dwellings, a site for a lower school of 2ha; a local centre comprising retail and community uses; informal open space and country park, incorporating allotments, orchards, new tree and shrub planting, and play areas shall be constructed on the site pursuant to this planning permission in accordance with the parameter plan reference Figure 1.3A entitled Chamberlains Barn Parameter Plan.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority in accordance with Policy BE8 of the South Bedfordshire Local Plan and Policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 5 **No reserved matters pursuant to an area or sub-area shall be submitted until an Area Design Code ('ADC'), has been submitted to and approved in writing by the Local Planning Authority in relation to that area or sub-area.**

**Reason: To ensure that the Area Design Codes are of a localised nature and are produced to assist in setting out the details of the development in a planned manner and to ensure that the details and appearance of the development are acceptable to the Local Planning Authority and in accordance with Policy BE8 of the South Bedfordshire Local Plan (2004), Policy 43 of the Development Strategy Central Bedfordshire Revised Pre-Submission Version May 2014 and Paragraph 59 of the National Planning Policy Framework (2012).**

**6 No development shall commence until an overarching Landscape and Open Space Strategy has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Open Space Strategy shall set out the in principle requirements for treatment of the areas of landscaping and open space and their relationship with Sustainable Urban Drainage Systems (SUDS) shall be in accordance with the principles within the submitted Design and Access Statement and the areas plan approved by condition 3 and shall include:**

- a) a programme for implementation, particularly with regard to advanced planting;**
- b) long-term design objectives for the laying out of areas of green infrastructure and open space within the residential development areas including any replacement planting;**
- c) short and long-term management responsibilities;**
- d) maintenance schedules for all hard and soft landscape areas and open spaces (other than privately owned domestic gardens), and any associated features.**

**The development shall be carried out in accordance with the approved overarching Landscape and Open Space Strategy.**

**Reason: To ensure a satisfactory appearance of the development in accordance with policy BE8 of the South Bedfordshire Local Plan and policies 43 and 56 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).**

**7 No development shall take place until a revised surface water drainage strategy, based upon the Flood Risk Assessment and drainage strategy Ref 3723.FRA.03 by Stuart Michael Associates dated 9 August 2013, has been submitted to and approved by the Local Planning Authority. The revised surface water drainage strategy should include the following additional information:**

- Calculations demonstrating that the proposed discharge to the ordinary watercourse will not exceed the existing greenfield runoff rate from the portion of the site which would drain to that watercourse.**
- Phasing and proposed runoff from each parcel of the site in accordance with the total discharge rates.**
- Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.**
- The attenuation pond(s) should be designed to ensure that: there is a barrier between surface water and groundwater; that there will be no vertical pathways; and that increased groundwater pressure on the liner is allowed for.**

**Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, reduce the risk of flooding to the proposed development and future users, reduce the risk of increased flooding downstream by ensuring that the capacity of the receiving system is not exceeded and to prevent pollution of groundwater in accordance with policy 49 of Development Strategy for Central Bedfordshire Revised Pre-Submission Version May 2014.**

**8 No development shall commence in any area, as defined by the areas plan required by condition 3, until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:**

- Details of all elements (i.e. modelling reference labels, designs, diameters, gradients, dimensions, and so on of all pipes, inspection chambers, and flow control device(s)) of the proposed drainage systems should be provided as part of the detailed surface water drainage scheme.**
- Overland flood flow routes and subsequent flood risk in the event of surface water system failure. It is essential the flood flow is routed away from vulnerable areas and property, and that the development remains “safe”.**
- Clear details of the ownership and responsibility of maintenance of all drainage including pipe networks, control structures and SuDS elements for the lifetime of the development.**
- Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.**

**Reason : To prevent the pollution of controlled waters in accordance with Policies 44 and 49 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)**

**9 No development shall commence in any area, as defined by the areas plan required by condition 3, of the development (including any works of demolition) until a Construction Environmental Management Plan (‘CEMP’) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with the Framework Construction Environment Management Plan submitted as part of this planning application and shall include details of:**

- a) Environment Management Responsibilities;**
- b) Construction Activities and Timing;**
- c) Plant and Equipment, including loading and unloading;**
- d) Construction traffic routes and points of access/egress to be used by construction vehicles;**
- e) Details of site compounds, offices and areas to be used for the storage of materials;**

- f) **Utilities and Services;**
- g) **Emergency planning & Incidents;**
- h) **Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;**
- i) **On site control procedures:**
  - i. **Traffic mitigation measures including traffic management and parking**
  - ii. **Temporary haulage routes**
  - iii. **Air and Dust quality**
  - iv. **Noise and vibration**
  - v. **Waste and Resource Management**
  - vi. **Agricultural Soils and Materials**
  - vii. **Temporary surface water drainage during construction**
  - viii. **Protection of Controlled Waters**
  - ix. **Trees, Hedgerows and Scrub**
  - x. **Ecology**
  - xi. **Archaeological and Cultural Heritage**
  - xii. **Visual and Lighting**
  - xiii. **Utilities and Services**
  - xiv. **Protection of water resources**
  - xv. **Protection of species and habitats**
- j) **Detailed phasing plan to show any different phasing, different developers and/or constructors to be updated on an annual basis;**
- k) **Details for the monitoring and review of the construction process including traffic mitigation (to include a review process of the Construction Environmental Management Plan during development).**

**Any development hereby permitted shall be carried out only in accordance with the approved CEMP.**

**Reason: To ensure that the development is constructed using methods to mitigate nuisance or potential damage associated with the construction period and in accordance with Policy 44 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)**

- 10 Piling or any other foundation designs and investigation boreholes 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 and prevent the pollution of controlled waters (particularly the Principal Aquifer below the site and Clipstone Brook considered as protected waterbodies under the EU Water Framework Directive) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3) and to protect human health and the environment in accordance with Policy 44 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 11 **No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.**

Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policies 44 and 49 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 12 **No dwellings shall be occupied, in any area or sub-area as identified in condition 3, until mitigation, conservation and enhancement measures as set out in chapter 5 of the Environmental Statement have been implemented.**

Reason: To ensure all impacts on ecology from development are taken into account and mitigated in accordance with Policy 57 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 13 **No development shall take place in an area or sub area of the development as identified in condition 3 of this permission until details of the plans and sections of the proposed estate roads in that area, including gradients and method of surface water disposal have been submitted to and approved in writing by the Local Planning Authority and no building within that area shall be occupied until the section of road which provides access thereto has been constructed in accordance with the approved details.**

Reason: To ensure that the proposed road works are constructed to adequate standard in accordance with policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 14 **No development approved by this planning permission shall take place until a remediation strategy that includes the following components 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 (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.**

**2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.**

**3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.**

**4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.**

**Reason: To protect and prevent the pollution of controlled waters (particularly the Principal Aquifer below the site and Clipstone Brook considered as protected waterbodies under the EU Water Framework Directive) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3) and to protect human health and the environment in accordance with Policy 44 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)**

- 15 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the Principal Aquifer below the site and Clipstone Brook considered as protected waterbodies under the EU Water Framework Directive) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3) and to protect human health in accordance with Policy 44 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 16 **No development shall take place in any area or sub area of the development as identified in condition 3 until a written scheme of archaeological investigation and recording has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved scheme and its subsequent amendments.**

**Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development or to secure the protection and management of any archaeological remains which may be preserved *in situ* within the development site in accordance with Policy 46 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)**

- 17 Prior to commencement of any development on any area, as defined by the areas plan required by condition 3, no tree or hedgerow shall be lopped, topped or felled and an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved statement and plan.**

**Reason: To safeguard existing trees on site in accordance with Policy BE8 of the South Bedfordshire Local Plan and policies 43 and 59 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).**

- 18 Prior to commencement of development in each area approved by condition 3 of this permission, a scheme showing the proposed boundary treatment of that area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the type and height of fences, hedges, walls or other means of enclosure. The approved scheme shall be implemented before the adjacent residential units are first occupied.**

**Reason: To ensure a satisfactory appearance for the development and to safeguard the amenity of future occupiers in accordance with Policy BE8 of the South Bedfordshire Local Plan and policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).**

- 19 No development shall take place in an area or sub-area of the development approved as per condition 3 above until there has been submitted to and approved in writing by the Local Planning Authority a detailed waste audit scheme for that area. The waste audit scheme shall include details of refuse storage and recycling facilities. The development of dwellings and/or commercial units in each area shall be carried out in accordance with the approved details and shall not thereafter be used for any other purpose.**

**Reason: To ensure that development is adequately provided with waste and recycling facilities in accordance with policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).**



- 20 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all dwellings as is necessary to achieve as a minimum standard an internal noise level of 30dB<sub>L</sub>A<sub>eq</sub>, 23:00-07:00 and 45dB<sub>L</sub>A<sub>max</sub>, 23:00-0700 for bedrooms and 35dB<sub>L</sub>A<sub>eq</sub>, 07:00-23:00 for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55dB<sub>L</sub>A<sub>eq</sub>, 1hr 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 authority.

Reason: In the interests of residential amenity, in accordance with policy BE8 South Bedfordshire Local Plan and policy 43 of Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)

- 21 **The details required by condition 1 of this permission in relation to each area approved by condition 3 shall include details of the finished floor and site levels including full details of finished floor levels for each building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out strictly in accordance with the approved level details.**

**Reason: For the avoidance of doubt and to ensure a satisfactory form of development in accordance with policy BE8 of South Bedfordshire Local Plan and policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)**

- 22 The details required by condition 1 of this permission in relation to each area approved as per condition 3 shall include a scheme for parking, and garaging for the residential units in that area. The parts of each approved scheme pursuant to condition 1 related to each residential shall be made available for use before the residential unit is occupied and those areas shall not thereafter be used for any other purpose.

Reason: To ensure that adequate turning, parking and unloading space is available in the interest of road safety in accordance with policies 27 and 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 23 **No development shall take place until a revised Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highways Agency. The Travel Plan shall include the following:**

**The identification of targets for trip reduction and modal shift;**

- **The methods to be employed to meet these targets;**
- **The mechanisms for monitoring and review;**
- **The mechanisms for reporting;**
- **The penalties to be applied in the event that targets are not met;**

- **The mechanisms for mitigation including budgetary provision;**
- **Implementation of the travel plan (until full occupation) to an agreed timescale and its operation thereafter;**
- **Mechanisms to secure variations to the travel plan following monitoring and reviews;**
- **Mechanisms for managing the travel plan and coordinating with other travel plans in the East Leighton Linslade development area.**

**The completed development shall be occupied in accordance with the approved travel plan which shall be retained in place thereafter unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority in conjunction with the Highway Agency.**

**Reason: To ensure the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic, to satisfy the reasonable requirements of road safety on the A5 trunk road and connecting routes in accordance with section 10 of the Highways Act 1980 and in the interests of promoting sustainable transport and reducing the number of trips by private car, in accordance with policy 26 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014.)**

- 24 The applicants shall within 4 years of the date of this permission undertaken an assessment of the economic viability of any remaining mineral within the area shown on figure 1.3A Parameter Plan as “quarry” in conjunction with the Mineral Planning Authority.

Should the mineral reserve be found to be economically viable a scheme detailing attenuation measures shall be submitted and approved in writing by the Local Planning Authority. No dwellings shall be occupied within any phase adjacent to the quarry until the attenuation measures have been implemented in full in accordance with the approved details. For the avoidance of doubt “attenuation measures” means noise or other attenuation measures as are necessary to prevent or eliminate nuisance on the relevant phase of the application site attributable to quarrying or restoration works being carried out at Chamberlains Barn, including the use of any haul road to or from the quarry.

The measures shall be retained for as long as they are required to protect residential amenity from the effects of quarrying or restoration activities.

Reason: To avoid any adverse impact on residential amenity as a result of potential future mineral extraction and restoration in accordance with Policy BE8 of the South Bedfordshire Local Plan Review 2004 and Policy 43 of the Development Strategy for Central Bedfordshire (Revised Pre-Submission Version May 2014).

- 25 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 794\_222 revA and Figure 1.3A entitled Chamberlains Barn Parameter Plan.

Reason: For the avoidance of doubt.

### **Notes to Applicant**

1. 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.
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 South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
3. **Flood Risk Informative - Environment Agency**

#### **Greenfield runoff rates**

Paragraph 9.3 of the FRA states that the site is partially within the catchment area of the River Ouzel and partly within the catchment area of the Clipstone Brook. The comparison of discharge rates in table 4 demonstrate that discharge from the site will be limited to a rate significantly less than the greenfield rate of the total site and remove some flows from the Clipstone Brook catchment. As there has been flooding to properties along the Clipstone Brook corridor in the past, we welcome any proposals that seek to reduce flow peaks on the Clipstone Brook.

The ordinary watercourse which the site will discharge to enters a culvert after passing under Heath Road, and therefore there is the limited capacity for extra flows within this system. Because the proposals include discharging to the ditch from areas outside of the original catchment, this could exacerbate flood risk within Leighton Buzzard if the greenfield runoff rate was calculated for the entire site, not just the portion of the site which naturally drains towards this watercourse. It is not clear if the reduced greenfield runoff rate fully accounts for this.

#### **SUDs Approval Bodies (SABs)**

Please note that the Environment Agency's role in responding to planning applications will change in Spring 2014 with the implementation of schedule 3 of the Flood and Water Management Act.

#### **Sewer Records**

We would suggest that Anglian Water are contacted for their most up to date sewer records, as the records included are from 2002 and therefore may not be up to date.

4. **Groundwater and Contaminated Land Technical Comments - Environment Agency**

We will expect to see further information on the points raised in our meeting of 16 October 2013.

We are aware of previous investigations carried out on site as part of a Mineral Resource Investigation and identified contaminated material to have been chemically tested and remediated. However, no groundwater sampling and chemical testing was carried out to ensure there is a low risk from the identified contaminants within the soil, since groundwater was encountered below the site. Therefore, as a way forward we would request that groundwater is appropriately assessed by a competent person and results are submitted to us for review. Should contamination be identified, a detailed Quantitative Risk Assessment will need to be undertaken and a refined Conceptual Site Model submitted. The PRA element of the SLR, Phase 1 Environmental Site Assessment, Report ref. 408.03818.00008, August 2013 is not satisfactory as an updated desk study and a walk over survey is required to present the site at its current condition. Ongoing quarry operations may have significantly altered the levels on site. Therefore, further work on part (1) of Condition 1 is considered necessary with respect to assessing risks to controlled waters. This report should also provide a summary of the results from all former investigations carried out on site to date.

5. **SUDS - Environment Agency**

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

6. **Environment Agency advice**

We recommend that developers should:

1) Refer to our "Groundwater Protection: Principles and Practice (GP3)" documents (<http://www.environment-agency.gov.uk/research/library/publications/144346.aspx>);

2) Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination (<http://www.environment-agency.gov.uk/research/planning/33740.aspx>);

3) Refer to our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health (<http://www.environment-agency.gov.uk/research/planning/121619.aspx>);

4) Refer to our "Verification of Remediation of Land Contamination" report (<http://www.environment-agency.gov.uk/research/planning/105704.aspx>);

- 5) Refer to the CL:aire “Definition of Waste: Development Industry Code of Practice” (version 2) and our related ‘Position Statement on the Definition of Waste: Development Industry Code of Practice’ ([http://www.claire.co.uk/index.php?option=com\\_content&view=article&id=210&Itemid=82](http://www.claire.co.uk/index.php?option=com_content&view=article&id=210&Itemid=82) and [www.environment-agency.gov.uk/static/documents/Leisure/PS006.pdf](http://www.environment-agency.gov.uk/static/documents/Leisure/PS006.pdf));
- 6) Refer to British Standards BS 5930:1999-2010 and BS10175 and our “Technical Aspects of Site Investigations” Technical Report P5-065/TR (<http://www.environment-agency.gov.uk/research/planning/40387.aspx>);
- 7) Refer to our “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination” National Groundwater & Contaminated Land Centre Project NC/99/73 ([cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf](http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf));
- 8) Refer to our “Good Practice for Decommissioning Boreholes and Wells” (<http://publications.environment-agency.gov.uk/PDF/GEHO0112BWAWE-E-E.pdf>); and
- 9) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

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

8. With respect to the construction phase the applicant has cited a number of measures to minimise the escape of dust. Reference should be made also to the Mayor of London’s Best Practice Guidance (BPG) *The control of dust and emissions from construction and demolition*. Mitigation measures should also include solid barriers to the site boundary where necessary.

The Council does not specify permitted noise levels, instead 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.

Measures would include contractors taking all reasonable steps to minimise noise and be reasonable in the timing of any high noise level activities. These steps may include, though not exclusively, noise mitigation measures such as temporary screening and/or at source insulation, all vehicles, plant and machinery used during the operations fitted with effective exhaust silencers and that all parts of such vehicles, plant or machinery maintained in good repair and in accordance with the manufacturer’s instructions and so operated and orientated so as to minimise noise emissions. Where possible the use of generators should be avoided and mains electricity used. All compressors used shall be “noise reduced” models fitted with properly lined and sealed acoustic covers which shall be kept closed when the machines are in use. Where other alternatives are proposed these should be approved by the Local Authority. All ancillary pneumatic percussive tools should be fitted with approved mufflers or silencers of the type recommended by the manufacturers. All of these items must be kept in good repair and any machinery used intermittently should be shut down when not in use or, where this is impracticable, should be throttled back to a minimum.

9. The consent is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
10. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments ([www.cae.org.uk](http://www.cae.org.uk))  
Central Bedfordshire Access Group ([www.centralbedsaccessgroup.co.uk](http://www.centralbedsaccessgroup.co.uk))

11. Anglian Water advise that the development is within 15m of a water tower. Whilst Anglian Water takes all reasonable steps to prevent any nuisance arising from the site, there should be no development within 15m from the boundary of the water tower if the development is potentially sensitive to noise or other disturbance or which might give rise to complaint from the occupiers regarding the location of the water tower.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31**

It is recommended that planning permission be granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

[Notes:

1. In advance of consideration of the application the Committee received representations made under the Public Participation Scheme.
2. In advance of consideration of the application the Committee were advised of additional consultation responses as detailed in the Late Sheet:
  - a. A letter had been received from Hogan Lovells / DTZ representing the land owners of the "Chiltern Hunt" which asked a number of questions and responses were provided in the late sheet.
  - b. Leighton Linslade Churches response was detailed in full in the Late Sheet.
  - c. Additional representations were received from
    - i. 122 Nelson Road, Leighton Buzzard – highlighting the urban sprawl and the loss of Leighton Buzzard as a town;
    - ii. Waverley, Hillside Road, Leighton Buzzard – residents have been objecting since 1990 when 4000 homes were proposed and the increased number of vehicles at least 2000 merging onto 2 country roads is unsustainable;
    - iii. 118 Heath Road, Leighton Buzzard – highlighting that the provision of the additional school and community facilities would only be provided at certain stages of the development and should something go amiss with the development they would not be delivered. There were also concerns expressed about loss of privacy and overlooking due to the type of properties being located near their home. Lastly they expressed concerns regarding the noise from the Link Road due to their proximity to it; and
    - iv. 36 Cotefield Drive – provided photographs to be included in the Late sheet.
    - v. Specific concerns re property safety were raised from a resident, who lives in an area where the public open space and woodland will be, and the number of people now walking near to their property where currently this does not happen.
    - vi. Officers considered the other issues not included in the Late Sheet were covered within the report.
3. Condition 24 was removed as detailed in the Late Sheet and included as an informative and conditions 25 and 26 renumbered accordingly.]