

Item No. 6

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| APPLICATION NUMBER | CB/11/01940/FULL |
| LOCATION | Chamberlains Barn Quarry, Heath Road, Leighton Buzzard |
| PROPOSAL | Full: A link road from Heath Road to Vandyke Road incorporating re-alignment and bridge over the Narrow Gauge Railway, sewers, pumping station and SUDs basin |
| PARISH | Leighton-Linslade |
| WARD | Leighton Buzzard North |
| WARD COUNCILLORS | Cllrs Johnstone, Shadbolt & Spurr |
| CASE OFFICER | Vicki Davies |
| DATE REGISTERED | 03 August 2011 |
| EXPIRY DATE | 23 November 2011 |
| APPLICANT | Arnold White Estates Ltd |
| AGENT | Hives Planning Limited |
| REASON FOR COMMITTEE TO DETERMINE | The application is part of the comprehensive development East of Leighton Linslade and is integrally linked to planning application CB/11/01937/OUT elsewhere on this agenda. |
| RECOMMENDED DECISION | Full Application - Approval |

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 The development hereby approved shall be commenced within five 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 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the bridge hereby approved have been 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 control the appearance of the bridge in the interests of the visual amenities of the locality.

(Policy BE8, South Bedfordshire Local Plan Review 2004 & Policy 43, Development Strategy for Central Bedfordshire, revised pre-submission version May 2014.)

- 3 No development shall take place in any phase of the development until a landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of five years following the implementation of the landscaping scheme for that phase have been 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 within that phase (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained in accordance with the approved landscape maintenance scheme and any which die or are destroyed during this period shall be replaced during the next planting season.**

Reason: To ensure an acceptable standard of landscaping.

(Policy BE8, South Bedfordshire Local Plan Review 2004 & Policies 43 and 58, Development Strategy for Central Bedfordshire, revised pre-submission version May 2014.)

- 4 A scheme shall be submitted for approval in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected to prevent unauthorised access to the narrow gauge railway. The boundary treatment shall be completed in accordance with the approved scheme before any dwellings are occupied and be thereafter retained.**

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

(Policy BE8, South Bedfordshire Local Plan Review 2004 & Policy 43, Development Strategy for Central Bedfordshire, revised pre-submission version May 2014.)

- 5 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 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 44 of the Development Strategy for Central Bedfordshire revised pre-submission version May 2014.)

6 No development shall commence until a Construction Environmental Management Plan ('CEMP') has been submitted to and approved in writing by the Local Planning Authority. The CEMP 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.

7 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), Environment Agency Groundwater Protection: Principles and Practice (GP3) and policy 44 of Development Strategy for Central Bedfordshire revised pre-submission version May 2014.

- 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 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), Environment Agency Groundwater Protection: Principles and Practice (GP3) and policy 44 of Development Strategy for Central Bedfordshire revised pre-submission version May 2014.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3723.001 rev D – Link Road and Infrastructure Application – Planning application boundary, 3723.002 revB – Heath Rd Junction Access Scheme Layout, 3723.003 revB – Vandyke Rd Junction Access Scheme Layout, 3723.004 revB – Road 1 (Link/Spine Rd) Layout and Profile Sheet 1, 3723.005 revB - Road 1 (Link/Spine Rd) Layout and Profile Sheet 2, 3723.006 revB - Road 1 (Link/Spine Rd) Layout and Profile Sheet 3, 3723.007 revB - Road 1 (Link/Spine Rd) Layout and Profile Sheet 4, 3723.008 revB - Road 1 (Link/Spine Rd) Layout and Profile Sheet 5, 3723.009 revB - Road 1 (Link/Spine Rd) Layout and Profile Sheet 6, 3723.015revA – Road 1 (link/spine road) Typical Road Construction Details, 3723.016revA – Diverted NGR Scheme and Drainage Layout, 3723.017revA – Diverted NGR vertical profile, 3723.018revA – Diverted NGR Tunnel Sections, 3723.019 – FW and SW Drainage Strategy, 3723.020 – Detention basin and SW outfall, 3723.021 – FW pumping station general arrangement, 3723.SK16revB – Vandyke Junction Access Alternative Layout (Phase 1 AWEL).

Reason: For the avoidance of doubt.

- 10 **Development shall not begin until details of the junction between the proposed link road and the Heath Road have been approved by the Local Planning Authority and the proposed estate road shall not be open to traffic 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 in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

- 11 **Development shall not begin until details of the proposed mini roundabouts on the new link road has been approved by the Local Planning Authority**

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

- 12 **Development shall not begin until the detailed plans and sections of the link 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 in accordance with the approved details.**

Reason: To ensure that the proposed roadworks are constructed to an adequate standard in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

- 13 **Development shall not begin until details of the location of the proposed bus stops along the new link road have been approved by the Local Planning Authority in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.**

Reason: To promote sustainable modes of transport and maintain free flow of traffic.

- 14 **If the proposed link 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 in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

- 15 **No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) 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 in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

- 16 **Development shall not begin until the detailed plans of the proposed highway lighting, using light emitting diodes (LED) within the development has been approved by the Local Planning Authority and no building shall be occupied until that lighting has been installed in accordance with the approved details.**

Reason: To ensure that the proposed highways are adequately lit in accordance with Policies 25 and 43 of the Development Strategy for Central Bedfordshire: revised pre-submission version May 2014.

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

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. Environment Agency - Groundwater and Contaminated Land Technical Comments

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

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. Environment Agency - General Informatives

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.

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 and 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);
- 8) Refer to our “Good Practice for Decommissioning Boreholes and Wells” (<http://publications.environment-agency.gov.uk/PDF/GEHO0112BWAWE-E.pdf>); and
- 9) Refer to our website at www.environment-agency.gov.uk for more information.

6. This consent is subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
7. 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 Central Bedfordshire Council’s Highway Help Desk, P.O. Box 1395, Bedford, MK45 5AN.
8. The applicant is advised that if it is the intention to request the 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 shall be submitted to the Development Planning and Control Group, Central Bedfordshire Council’s Highway Help Desk, P.O. Box 1395, Bedford, MK42 5AN. 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.

9. The applicant is advised that in order to comply with Condition 10 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 Development Planning and Control Group, P.O. Box 13 95, Bedford MK42 5AN.

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. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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 which are detailed within the Late Sheet:
 - a. The Highways Development Control Officer requested additional conditions 10 – 16 as detailed above;
 - b. The Highways Development Control Officer requested 3 additional informatives 7, 8 and 9 be added as detailed above;
 - c. Condition 9 was amended following receipt of amended site plans;
 - d. The Highways Development Control Officer considered the revised plans and provided the following comments:
 - i. Heath Road – amendments have been made as detailed in the Late Sheet are acceptable;
 - ii. Eastern Link Road – amendments have been made to the horizontal alignment to increase the curve length, bus stop locations have been amended and mini roundabout approaches modified to include deflection. The Highways Development Control Officer is satisfied that subject to any minor technical amendments required following a stage 2 safety audit and details submitted in writing in accordance with conditions that the proposed road layout is acceptable.
3. Additional representations were received from:
 - a. 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

- b. 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
 - c. Officers considered the other issues not included in the Late Sheet were covered within the report.
 - d. It was hoped that a stage 2 safety audit would have been carried out before the Committee meeting, it was considered that only minor technical issues would be raised. It was requested that the Interim Assistant Director of Planning be authorised to agree such minor amendments to the plans as may be necessary following the receipt of the Stage 2 Safety Audit.
4. 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.