

## **Item No. 12**

<b>APPLICATION NUMBER</b>	<b>CB/15/03100/FULL</b>
<b>LOCATION</b>	<b>67 and land rear of St Johns Street, Biggleswade, SG18 0BT</b>
<b>PROPOSAL</b>	<b>Remediation of the former gasworks, for the improvement of the site and to reduce potential environmental liabilities.</b>
<b>PARISH</b>	<b>Biggleswade</b>
<b>WARD</b>	<b>Biggleswade North</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Jones &amp; Mrs Lawrence</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>24 August 2015</b>
<b>EXPIRY DATE</b>	<b>19 October 2015</b>
<b>APPLICANT</b>	<b>National Grid Property Holdings</b>
<b>AGENT</b>	<b>Stratus Environmental Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Tim Woodward requested that the application be called in for the following reasons: - Plans do not show full extent of adjacent properties - Concern about wildlife on site - Trees act as a sound barrier and should remain - The site is likely to be heavily contaminated - Further information should be provided on future plans for the site - What conditions would mitigate the impact on the adjoining properties - What is the environmental impact of leaving the site as it is.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Approval</b>

### **Recommendation:**

The application is recommended for approval subject to the following:

### **RECOMMENDED CONDITIONS / REASONS**

- 1 The development hereby permitted 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 All work carried out on site shall be carried out in accordance with the submitted Reptile Mitigation Method Statement. The site shall be surveyed immediately prior to works commencing to confirm the continued absence of Badgers at the site. The results of this survey together with any further action and mitigation required shall be submitted to the Local Planning Authority for approval before any works commence. Any works shall be carried out in accordance with the agreed details.

Reason: In the interests of any protected species. (Policy 57, DSCB)

- 3 The works hereby approved shall be carried out in accordance with the details submitted in the Remediation Scheme, Air Quality Management Plan and the Noise and Vibration Management Plan.

Reason: To ensure appropriate remediation, and in the interests of the amenity of the surrounding area and neighbouring properties.  
(Policy 57, DSCB)

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers SS1031/1/01, 02, 03, 04, 5819-E-01-RevA, Remediation Scheme (Sirius), Air Quality Management Plan (Stratus), Noise and Vibration Management Plan (Stratus)

Reason: To identify the approved plan/s and to avoid doubt.

- 5 A verification report demonstrating completion of works set out in the remediation strategy and the long term monitoring and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority, within 6 months of completion of the approved works.

Reason: To protect and prevent the pollution of controlled waters from potential 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.

- 6 If, during remediation, contamination not previously identified is found to be present at the site then the developer must submit 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 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.

## **Notes to Applicant**

1. It is recommended that in order protect on-site habitats as far as possible, the 'tidying-up' of vegetation outside working areas should be avoided. Materials such as crushed or broken concrete extracted during works should be retained on-site in areas currently dominated by dense bramble, outside the working areas, in order to extend the mosaic of open habitats. Creation of rubble piles will provide microhabitats suitable for a range of invertebrates and help to retard the succession of habitats to dense scrub, thereby maintaining the open mosaic habitats of value to invertebrates and reptiles.

2. **Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

3. **Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

4. **Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

5. **Fencing**

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

6. **Method Statements/Fail Safe/Possessions**

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works

commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. “possession” which must be booked via Network Rail’s Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

The method statement will need to be agreed with:

Asset Protection Project Manager  
Network Rail (London North Eastern)  
Floor 2A  
George Stephenson House  
Toft Green  
York  
Y01 6JT

Email: [assetprotectionneem@networkrail.co.uk](mailto:assetprotectionneem@networkrail.co.uk)

7. **OPE**

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

8. **Demolition**

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail’s Asset Protection Project Manager before the development can commence.

9. **Vibro-impact Machinery**

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

10. **Abnormal Loads**

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges, in particular the adjacent St Johns Street bridge over the railway). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

11. **Encroachment**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

12. **Lighting**

Where new lighting is to be erected (for example temporary lighting to help facilitate works) adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

13. **Heaping, Dust and Litter**

It should be noted that because of the nature of the proposals we would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary. We also have concerns over the potential for dust clouds and rubbish created from the processing at the site affecting the railway signal sighting. Therefore adequate measures for preventing dust and rubbish blowing onto Network Rail property are to be in operation.

14. The applicant is advised that parking for contractor's vehicles and the storage of materials associated with this development must take place within the site and not extend into within the public highway at any time without authorisation from the highway authority. Under the provisions of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic movements associated with implementation of the development hereby approved.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35**

This application has been recommended for approval. 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) Order 2015.

[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 / publicity responses as detailed in the Late Sheet as follows:
  - a. The environment agency had no objection
  - b. A letter from National Grid responding to concerns raised by the Town Council
3. Two additional conditions 5 and 6 have been added above.
4. The Town Council in the report should be Biggleswade Town Council.]