

## **Item No. 9**

<b>APPLICATION NUMBER</b>	<b>CB/18/02600/FULL</b>
<b>LOCATION</b>	<b>Leedon Service Station, Hockliffe Road, Leighton Buzzard, LU7 3JU</b>
<b>PROPOSAL</b>	<b>The construction of two blocks containing 10 No. flats, together with associated parking and landscaping.</b>
<b>PARISH</b>	<b>Leighton-Linslade</b>
<b>WARD</b>	<b>Leighton Buzzard South</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Berry, Bowater &amp; Dodwell</b>
<b>CASE OFFICER</b>	<b>Sarah Tucker</b>
<b>DATE REGISTERED</b>	<b>19 July 2018</b>
<b>EXPIRY DATE</b>	<b>18 October 2018</b>
<b>APPLICANT</b>	<b>W E Black Ltd</b>
<b>AGENT</b>	<b>W J Macleod Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Dodwell called in the application on the grounds: overbearing/out of keeping with the surrounding area, flood risk and highway safety concerns.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Recommended for Approval</b>

### **Summary for Recommendation**

The site is a previously developed land within an urban area. National policy in the NPPF gives substantial weight to the effective use of land that has been previously developed within settlements for housing and as such the principle of development is acceptable.

The layout and positioning of windows of the building will ensure no excessive overlooking or an overbearing presence on the residential amenity of the area. The relationship with neighbouring buildings is appropriate within an urban area. The site will not increase the flood risk for future or existing local residents or further downstream. The level of parking is in line with parking standards and there are no outstanding highway issues. An affordable housing contribution has been agreed in principle.

### **Site Location:**

The site consists of a former service station on the north side of the A4012 (Hockliffe Road), within the urban area of Leighton Buzzard, approximately 800m from the town centre. The site lies adjacent to recreational land along the Clipstone Brook to the east, with existing residential development to the south and west. Opposite the site lies the entrance to Brook Street. The site lies within Flood Zone 2 and the north-east part of the site lies within Flood Zone 3. The site has been cleared apart from a number of Leylandii trees along the rear (south) boundary of the site.

### **The Application:**

The application seeks full planning permission for the construction of two blocks consisting of a total of 10 flats (6 x 2bed and 4 x 1bed) together with associated parking and landscaping. One block is 3 storey and includes 6 flats, and the 2

storey block contains 4 flats. On site parking for 20 cars is proposed, as well as bin storage and cycle parking. Access from Hockcliffe Road is proposed. The leylandii trees to the rear are proposed to be removed.

## **RELEVANT POLICIES:**

### **National Planning Policy Framework (27 March 2012)**

The National Planning Policy Framework (NPPF) was updated in July 2018. The most relevant sections are:

Section 2: Achieving Sustainable Development

Section 5: Delivering a sufficient supply of homes

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

### **South Bedfordshire Local Plan Review Policies**

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the framework, with the exception of policy T10, and significant weight should be attached to them.

SD1 Sustainability Keynote

H2 Fall-In Sites

H3 Local Housing Needs

BE8 Design Considerations

T10 Parking in New Developments

### **Emerging Local Plan**

Central Bedfordshire Local Plan - Emerging

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 216) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

SP2 - NPPF - Presumption in Favour of Sustainable Development

H1 - Housing Mix

H2 - Housing Standards

H4 - Affordable Housing

T3 - Parking  
HQ1 - High Quality Development  
HQ2 - Planning Obligations and Community Infrastructure Levy  
HQ3 - Provision for Social and Community Infrastructure

## Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

### Relevant Planning History:

Application Number	SB/TP/04/0558/FULL
Description	Erection of 17 two bedroom flats and 1 one bedroom flat, 21 parking spaces, bin and cycle store, amenity space and alterations to access
Decision	Refused
Decision Date	21/02/2005

### Consultees:

Leighton-Linsdale Town Council	Concerns regarding loss of privacy for adjoining properties as they would be overlooked by the proposed development, the possibility of flood risk and concerns regarding insufficient car parking provision in an area in which on-street parking was already problematic for residents.
Highways	No objection subject to conditions.
Pollution	No objection subject to condition.
Tree and Landscape Officer	Whilst there is some improvement in the site layout to achieve more landscaping along this boundary, the sheer height of these proposed buildings would still make the relatively thin belt of planting ineffective. Whether this has sufficient merit to justify refusal is arguable, but if visual impact on the surrounding area, in particular the Riverside Walk, is a major planning consideration, then this shortcoming should be recognised when determining the application.
Ecology	No objection subject to condition.
SUDS	No objection subject to conditions.
IDB	'No comment'.
Rights of Way	No objection.
Leisure Services	Any fencing needs to be sympathetic to the location next to the Clipstone Brook corridor and be screened by plant of native trees and shrubs.

Landscape Officer	Layout needs wider, more substantial native landscape buffer. Consider rearranging blocks, with 2 storey alongside brook corridor and reducing height of development via roof designs.
Sustainable Growth Officer	No objection subject to conditions.
Housing Development	Expect to see provision of affordable housing of 30% equating to 3 affordable units, 2 units of affordable rent, and 1 unit of intermediate tenure.
Environment Agency	No objection subject to conditions.
Bedfordshire Fire and Rescue	Consideration should be given to requirements at Building Regulations stage for fire safety.
MANOP	Proposal does not meet the needs of older people.
Anglian Water	Catchment of the Leighton Linlade Water Recycling Centre has available capacity for these flows. Sewerage system has capacity.

#### **Other Representations:**

Neighbours	<p>18 objections have been received to the scheme and 1 of support. The reasons for objection are as follows:</p> <ul style="list-style-type: none"> <li>• Insufficient parking on site and no parking for visitors</li> <li>• Need improvements to footpaths between Woodman Close and Hockcliffe Road</li> <li>• Loss of privacy and overlooking by proposal</li> <li>• Increase in noise</li> <li>• Increase in light pollution</li> <li>• Out of keeping with the area</li> <li>• Flood risk from the brook and increase in flood risk elsewhere</li> <li>• Cycle route outside site will be parked on</li> <li>• Motorists will park illegally on pavements</li> <li>• Overdevelopment of the site</li> <li>• Increase in on-street parking</li> <li>• Contamination of site from previous use</li> <li>• 3 storeys will be ugly</li> <li>• Should be 2 storeys</li> <li>• Negative impact on landscape</li> <li>• Need double yellow lines on entrance to Brook Street</li> <li>• Loss of light</li> <li>• Town is overcrowded already</li> <li>• Roads into town centre congested</li> <li>• Trees that will stop overlooking will be cut down</li> </ul>
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#### **Determining Issues:**

The main considerations of the application are;

1. Principle
2. Affect on the Character and Appearance of the Area
3. Flood Risk and Drainage

4. Neighbouring Amenity
5. Highway Considerations
6. Affordable Housing
7. Other Considerations

## **Considerations**

### **1. Principle**

- 1.1 Policies SD1 and H2 of the South Bedfordshire Local Plan Review encourage the use of brownfield sites to provide additional accommodation and among other things, that proposals for new development should use land efficiently, taking into account quality of life. National advice contained in the National Planning Policy Framework (NPPF) generally encourages the effective use of land by re-using land that has been previously developed (brownfield land) provided that it is not of high environmental value, (paragraph 117). In this case, the application site is previously developed land. Paragraph 118 of the NPPF also states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes.

Accordingly, the proposed development would represent the effective use of land and as such, there would be no in principle objection to the erection of dwellings subject to there being no harm caused to other matters of acknowledged planning interest, as will be discussed in subsequent sections.

### **2. Affect on the Character and Appearance of the Area**

- 2.1 The application site is situated in a predominantly residential area. Policies BE8 and H2 of the South Bedfordshire Local Plan Review require, among other things, all development to complement and harmonise with surrounding development. This requirement is repeated within national advice within Section 12 of the NPPF.

The site has been disused and empty for a number of years. It is currently somewhat unkempt, with a high chain link fence to the boundary with Hockcliffe Road, and a timber close boarded fence to the boundary with the recreational area around Clipstone Brook. Apart from the leylandii trees on the rear boundary, there are scrubby trees and hedges on the western and eastern boundaries.

The area has a range of detached, semi-detached and terraced houses of a variety of ages from mid 20th century to the 1980s. The architectural styles are traditional, in a variety of materials. Residential properties to the west of the application site are set back from the road itself.

Within the site, block A is three storey and lies on a north-south axis, with the end hipped elevation facing the street. Block B is two storeys high and lies on an east-west axis, with the front elevation facing the street. Block B is 'L' shaped, with two gable ends to the north elevation. Both blocks are set back similar distances to existing dwellings to the west. Materials are a mix of brick, render and reconstituted stone bands, heads and cills. The massing and scale of these two blocks have been broken up visually by changes in roof shapes, the use of gable ends and changes in materials. Elevations facing the public realm are the most detailed, and add a lively element to the streetscene. The set back proposed, as well as the elevational details ensures that the proposals do not dominate the streetscene here.

Whilst there are concerns from local residents regarding design and scale of the buildings, given the analysis above, they will not look out of place in the streetscene. The site is an urban one, and whilst the surrounding residential consists of dwelling houses, modest blocks of flats are appropriate for locations within walking distance of the town centre. Significant weight must also be given to the NPPF paragraph 118 (c), which states that local planning authorities should support opportunities to remediate contaminated land. The site has been subject to extensive remediation, and further details of this are recommended by condition and this will enable a rather unkempt and untidy site that currently contributes little to the streetscene to be appropriately developed.

The loss of the leylandii trees and scrubby trees on the east and western boundaries is not considered inappropriate, since the leylandii to the south (rear) boundary are particularly dense and visually oppressive. Whilst concerns have been raised regarding the amount of proposed planting here, there is room for a number of smaller trees, as well as low level planting, which will be required by a landscaping condition. Boundary treatments will also be required by condition.

The proposals are therefore in accordance with Policies BE8 and H2 of the South Bedfordshire Local Plan Review, and section 12 of the NPPF.

### **3. Flood Risk and Drainage**

- 3.1 The NPPF paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided, and where development is necessary, it should not increase flood risk elsewhere. Since the site lies within Flood Zone 2 and partially in flood zone 3, the sequential test needs to be passed for the development to be appropriate in these flood zones (NPPF paragraphs 158 and 159). The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. The NPPG states that the sequential test will be defined by local circumstances. Given the site is previously developed one, and has been empty for some considerable time, and subject to extensive remediation, it is considered that a search for areas outside flood zone 2 is not relevant. As such, the proposed scheme is considered to have passed the sequential test.

The NPPG on Planning and Flood Risk defines dwellings as 'more vulnerable uses', and allows for this type of use within flood zone 2, subject to the passing of the sequential test. However, within flood zone 3, the exception test is required to be passed for dwellings to be appropriate development. Paragraph 160 of the NPPF states for the exception test to be passed it should be demonstrated that:

- the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The site has wider sustainability benefits by utilising an long term empty and unkempt site that has had extensive remediation for residential use within an urban area, so that it is considered to pass the first part of the exception test. With regard to the second part of the exception test, the amended flood risk assessment (FRA) states that the finished floor levels of the proposed blocks of flats are 300mm higher than the 1:100 annual probability of flooding plus climate change increase. This is shown on the submitted plans as 85.25m AOD (above ordnance datum). This has been considered acceptable by the Environment Agency and will be ensured by a recommended condition. The results in a small

loss of volume of floodplain, which will be compensated by reducing the overall levels of the car parking slightly, an approach which also has been agreed with the Environment Agency, and will be ensured by recommended condition. This will ensure that proposed scheme does not increase flood risk elsewhere. The FRA has also included a flood plan in consultation with CBC Emergency Planners to ensure that the development is safe for its lifetime with regard to flood risk.

Sustainable drainage will also be ensured by condition. The Environment Agency raised no objection subject to conditions.

Given the above, it is considered that the proposal passes both the sequential test and the exception test as set out in the NPPF, and is therefore appropriate development with regard to flood risk and drainage.

#### **4 Neighbouring Amenity**

- 4.1 The adopted Design Guide sets out distances considered appropriate for new development to ensure there is no harm to the residential amenity of surrounding residents.

The orientation of Block A, with the two obscure glazed windows on the south elevation, will ensure that there is no direct overlooking of the rear elevation or garden of 41 Woodman's Close. Obscure glazing will be required by a recommended condition. The rear of Block B lies 16m from the boundary of the garden of no. 41, and 26m from the rear elevation. The west elevation of Block B, has two small obscure glazed windows and is 22m from the side elevation of Dunleigh, Hockcliffe Road. These distances are in accordance with the Design Guide and will not result in overlooking or loss of privacy to the detriment of the residential amenity of these adjacent dwellings. They will also ensure that there is no loss of light to adjacent properties.

The layout, massing and scale of the proposed blocks, together with the distances described above will ensure that the proposals will not result in an overbearing presence for the residents of the adjacent residential properties. Whilst residents of neighbouring dwellings will be able to see the proposed flat blocks from their rear gardens and in the case of no. 41 Woodman Close, from their rear elevation windows, this is a usual relationship within an urban area, and will not result in harm to residential amenity.

The proposal include a small patio area for each ground floor flat, and an area of approximately 250sq m of usable, communal private amenity space on site. This is over and above the Design Guide requirement of 75sq m for 10 flats. Enclosures for usable communal space will be required by the recommended boundary treatment condition.

The proposal is therefore acceptable in terms of the impact on neighbouring amenity and the amenity of future occupiers.

#### **5. Highway Considerations**

- 5.1 The site originally had two accesses serving the service station, and one of these is proposed to be closed, so that the flats are accessed and egressed by one access, with an appropriate turning circle for cars and larger vehicles so vehicles can egress the site in forward gear. The proposed 20 off-street parking spaces are in accordance with the parking standards set out in the Design Guide. There are no highway safety issues as a result of the proposal subject to recommended conditions to ensure appropriate highway improvements,

including junction improvements, provision of visibility splays and closing up of one of the existing accesses.

Cycle parking is proposed in a secure shed in the south-east corner of the site. However, this location does not benefit from any natural surveillance and as such, a condition requiring a re-positioning of the cycle store is recommended.

## **6 Affordable Housing**

- 6.1 On 13th May 2016 the government won a legal challenge against a High Court ruling that quashed a national planning policy intended to exempt small sites from affordable housing obligations. This ruling has been reflected in the National Planning Practice Guidance setting out the Government's position that affordable housing and tariff-style planning obligations should not be sought for certain small developments (10 dwellings or less or 1,000 square metres of gross floor space). However, the NPPF was revised in July 2018 and now considers that Major developments are considered to be sites of 10 dwellings or more. The Housing Development Officer has requested that 35% affordable housing be provided on site, however, as it is unlikely that an RP would be interested in such a low number of housing, this request is not considered to be reasonable. Therefore it is considered to be appropriate to seek affordable housing in line with the NPPF guidance (10%) rather than the Council's policy of 35%.

Section 5, paragraph 64 of the NPPF;

Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

Due to the small provision (1 dwelling) it is also considered to be more appropriate to allow for an off-site contribution. The developer has agreed to this rationale which would be subject of a unilateral undertaking following any resolution by Members to approve the application.

## **7 Other Considerations**

- 7.1 Concerns regarding existing congestion and illegal parking are issues outside the scope of this application. Given the size of the development it is not of a scale that would require contributions to public transport or effect the highway network further towards the town centre.

Concerns regarding the overcrowding of the town centre are also out of the scope of this application. Each application is dealt with on its own merits and this scheme is considered acceptable, as discussed above.

Local objections have stated that the height of the buildings should be 2 storey only. However, the application can only be judged as proposed, and it could not be justified in this location to refuse the development on the grounds of height.

The site has been subject to extensive remediation to resolve contamination, and a remediation report has been submitted. However, the Environment Agency and the Pollution Control Officer have requested a condition relating to further details of contamination and this is recommended.



Concerns have been raised by local residents regarding noise and light pollution. However, given the area is a busy urban one, on a main road, it is highly unlikely that the proposals would result in noise levels over and above pre-existing background noise levels during day or nighttime. With regard to light pollution, a condition is recommended to require a scheme of external lighting prior to occupation of the dwellings.

Concerns were raised that the development does not meet the needs of older people. However, the scheme consists of small, open market flats and is not intended for a specific end-user age group.

## **8. Human Rights and Equality Act**

### **8.1 Human Rights and Equality Act issues:**

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

### **Recommendation:**

That Planning Permission be GRANTED following the signing of a S106 agreement or unilateral undertaking subject to the following:

### **RECOMMENDED CONDITIONS**

- 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 **No development shall take place, notwithstanding the details submitted with the application, until details of the materials to be used for the external walls and roofs of the development 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 building in the interests of the visual amenities of the locality.  
(Section 12, NPPF)**

- 3 Development shall not begin until details the improvements to the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the 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 the premises.

- 4 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on

land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.

- 5 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

- 6 Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved, shall be closed to vehicular traffic in a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 7 The development hereby permitted shall not be occupied until the details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details.

Reason: To protect the visual amenity of the site and its surrounding area.  
(Section 12, NPPF)

- 8 **No development shall take place until full details of mitigation, conservation and/or enhancement measures for (protected/locally important) species have been submitted to and approved in writing by the Local Planning Authority. These measures shall include**

- **surveys at agreed periods during (season) by an agreed expert to determine the possible presence of particular protected species previously specified by the Local Planning Authority.**
- **details of appropriate mitigation measures and contingency plans should such a protected species be found to be present and either (i) preparing for breeding, (ii) in the process of breeding or (iii) rearing young;**
- **mechanisms to enhance identified existing wildlife habitats through the development process.**

**The works shall be implemented in accordance with the approved details.**

**Reason: To ensure all impacts from development are taken into account and mitigated.  
(Section 15, NPPF)**

- 9 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. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied and be thereafter retained.

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

(Section 12, NPPF)

- 10 **No development shall take place 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 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 (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.**

**(Sections 12 & 15, NPPF)**

- 11 **No development shall take place until details of the method of disposal of surface water drainage have been submitted to and agreed in writing by the Local Planning Authority, including any land drainage system. Thereafter no part of the development shall be occupied or brought into use until the approved drainage scheme has been implemented.**

**Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.**

**(Section 14, NPPF)**

- 12 The first and second floor windows in the south elevation of Flat Block A of the development hereby permitted shall be permanently fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be non-opening, unless the parts of the windows which can be opened are more than 1.7m above the floor of the room(s) in which the window(s) is installed. No further windows or other openings shall be formed in the south elevation of Flat Block A.

Reason: To safeguard the privacy of occupiers of adjoining properties.

(Section 12, NPPF)

- 13 The development hereby permitted shall not be occupied until a scheme for the parking of cycles on the site, notwithstanding the cycle parking detail on the approved plans, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

Reason: To ensure the provision of cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.

(Section 94, NPPF)

- 14 The following mitigation measures as set out in the Flood Risk Assessment (FRA) dated October 2018 shall be implemented and retained thereafter:
- Finished floor levels of the buildings hereby approved are set at a minimum of 85.25m AOD
  - Floodplain compensation is provided by lowering ground levels in the western section of the site, as detailed in drawing no. C401 in Appendix G and drawing no. C810 in Appendix H of the FRA

Reason: To ensure that flood risk is suitably controlled.

- 15 **No development other than that required to be carried out as part of an approved scheme of remediation shall take place until conditions (a) to (d) below have been complied with, unless otherwise agreed in writing by the Local Planning Authority. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.**

**(a) Site Characterisation**

**An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**

**A survey of the extent, scale and nature of the contamination;**

**An assessment of the potential risks to:**

**Human health**

**Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes**

**Adjoining land**

**Ground waters and surface waters**

**Ecological systems**

**Archaeological sites and ancient monuments**

**An appraisal of remedial options, and proposal of the preferred option(s)**

**This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.**

**(b) Submission of Remediation Scheme**

**A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as**

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**(c) Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**(d) Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition (c).

**Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. (Section 15, NPPF)**

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: Site location plan, 18-3474-1, 18-3474-2 A, 18-3474-3, 18-3474-4, 18-3474-5, 18-3474-6.

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

**INFORMATIVE NOTES TO APPLICANT**

1.
  - Where remedial measures are necessary, they should be managed with Part IIA of the Environmental Protection Act 1990 in mind. Encapsulation of any contaminants should be made on the risk-based assessment so that they are unlikely to be subject to future release to the environment.
  - All ground investigations shall be risk based and have regard to BS10175:2001 *Investigation of Potentially Contaminated Sites - Code of*

*Practice and Environment Agency/NHBC R&D Publication 66 - Guidance for the Safe Development of Housing on Land Affected by Contamination.*

- Where analyses are undertaken analytical laboratories should be accredited to MCERTS and where appropriate laboratory methods should also be accredited to MCERTS.
  - The applicants/agent's consulting engineers shall certify that decontamination and remediation of the site has been undertaken in accordance with any measures approved by the Local Planning Authority.
  - The applicant shall advise the Local Planning Authority of commencement of the works.
  - The applicant should also be made aware that the ownership of land shown to be contaminated may accrue legal and financial liabilities under Part IIA of the Environmental Protection Act 1990. Such liabilities are maximised when "pollutant linkages" engender "pathways" for the contaminants to reach "receptors".
  - Central Bedfordshire Council has published its Contaminated Land Inspection Strategy in line with the Environmental Protection Act 1990: Part IIA and its definition thereof. No land has yet been formally designated as being 'contaminated'. However, it should not be taken to imply that the property or adjoining land is free from contamination.
2. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with Central Bedfordshire Council's "Cycle Parking Guidance - August 2006".
  3. You are advised to note the comments of the Anglian Water Services Ltd as set out in the enclosed letter.
  4. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire, SG17 5TQ quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
  5. **Any conditions in bold must be discharged before the development commences. Failure to comply with this requirement could invalidate this permission and/or result in enforcement action.**

**Statement required by the Town and Country Planning  
(Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

The applicant and the Council engaged in discussion and negotiation at pre-application and application stages which led to improvements to the scheme. The applicant and the Council have therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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