

Item No. 9

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

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.**
6. 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.

**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.