

Item No. 10

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| APPLICATION NUMBER | CB/16/03378/FULL |
| LOCATION | Co-op Supermarket, High Street, Houghton Regis, Dunstable, LU5 5QT |
| PROPOSAL | Phased Construction of a new Independent Living Scheme for Older Persons comprising 168 apartments with support facilities, a Restaurant & Bar, Retail Units, Cafe, 2no Reablement Suites, the conversion and Change of Use of a Grade 2 listed building and the demolition of an existing Sheltered Housing scheme with associated parking and landscaping. |
| PARISH | Houghton Regis |
| WARD | Houghton Hall |
| WARD COUNCILLORS | Cllrs Mrs Goodchild & Kane |
| CASE OFFICER | Peter Vosper |
| DATE REGISTERED | 12 August 2016 |
| EXPIRY DATE | 11 November 2016 |
| APPLICANT | Central Bedfordshire Council |
| AGENT | Kyle Smart Associates |
| REASON FOR COMMITTEE TO DETERMINE | Central Bedfordshire Council is the applicant |
| RECOMMENDED DECISION | Full application - Recommended for Approval |

Recommendation:

That Planning Permission be GRANTED 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 commence until a full suite of external material samples, to include walls, roofs, windows, doors, rainwater goods and hard landscaping, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: To ensure that the appearance of the development is acceptable, and is carried out in a manner that safeguards the historic

significance and traditional character of listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

(Policy BE8, SBLPR and Sections 7 and 12, NPPF)

- 3 No development shall commence until an external finishes schedule has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: To ensure that the appearance of the development is acceptable, and is carried out in a manner that safeguards the historic significance and traditional character of listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

(Policy BE8, SBLPR and Sections 7 and 12, NPPF)

- 4 Notwithstanding the details submitted with the application, and prior to the commencement of development, details of the following in respect of all proposed new and/or altered boundary enclosure structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

- (Red House garden brick wall and wall-top railings): drawn elevation detail at a scale of 1:10; drawn elevation and layout plan at a scale of 1:50;**
- (Red House garden wall): drawn detail at a scale between 1:10 and 1:20 in elevation and section, showing the method of the formation of the proposed decorative brick arch gate opening; and**
- masonry wall details, including coping type, brickwork bond and mortar jointwork finishing.**

Reason: To ensure that the appearance of the development is acceptable, and is carried out in a manner that safeguards the historic significance and traditional character of listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

(Policy BE8, SBLPR and Sections 7 and 12, NPPF)

- 5 Notwithstanding the details submitted with the application, and prior to the commencement of development, full details of all new gates, timber and metal bollards and exterior lighting installations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.**

Reason: To ensure that the appearance of the development is acceptable, and is carried out in a manner that safeguards the historic significance and traditional character of listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

(Policy BE8, SBLPR and Sections 7 and 12, NPPF)

- 6 Notwithstanding the details submitted with the application, and prior to the commencement of development, a method statement and specification detailing fully the proposed method of construction of the proposed natural stone cobble/river washed pebble hard landscape surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: To ensure that the appearance of the development is acceptable, and is carried out in a manner that safeguards the historic significance and traditional character of listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

(Policy BE8, SBLPR and Sections 7 and 12, NPPF)

- 7 Notwithstanding the details submitted with the application and prior to the laying out of the cobbled hard landscape surfaces, a finished sample section demonstrating clearly the materials to be used (including edgings and representative cobbles/pebbles) and the manner of surfacing bedding and finishing, shall be constructed on site, and retained, for agreement in writing by the Local Planning Authority, and the approved works shall be implemented thereafter in strict accordance with the approved details.

Reason: To ensure that the appearance of the development is acceptable, and is carried out in a manner that safeguards the historic significance and traditional character of listed buildings and to safeguard the character and appearance of the Conservation Area and its immediate setting of which the site is part.

(Policy BE8, SBLPR and Sections 7 and 12, NPPF)

- 8 Before the new accesses are first brought into use, any existing accesses within the frontage of the land to be developed, not incorporated in the accesses hereby approved, shall be closed in accordance with details submitted to and approved in writing by the Local Planning Authority.

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

(Section 4, NPPF)

- 9 The development shall not be occupied until a Full Travel Plan has been submitted to and approved in writing by the Council; such a Travel Plan to include details of:

- Predicted travel to and from the site and targets to reduce car use.
- Details of existing and proposed transport links, to include links to pedestrian, cycle and public transport networks.
- Measures to minimise private car use and facilitate walking, cycling and use of public transport.
- Timetable for implementation of measures designed to promote travel choice.

- Plans for monitoring and review, annually for a period of 5 years at which time the obligation will be reviewed by the Council.
- Details of provision of cycle parking in accordance with Council guidelines.
- Details of marketing and publicity for sustainable modes of transport to include site specific travel information packs, to include:
 - Site specific travel and transport information;
 - Travel vouchers;
 - Details of relevant pedestrian, cycle and public transport routes to/ from and within the site; and
 - Copies of relevant bus and rail timetables.
- Details of the appointment of a travel plan co-ordinator.
- An Action Plan listing the measures to be implemented and timescales for this.

No part of the development shall be occupied prior to implementation of those parts identified in the Travel Plan. Those parts of the approved Travel Plan that are identified as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

**Reason: To reduce reliance on the private car by promoting public transport and sustainable modes of transport.
(Section 4, NPPF)**

- 10 The maximum gradient of all vehicular accesses onto the estate roads shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.
(Section 4, NPPF)

- 11 The development shall not be occupied until all on site vehicular areas have been 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.
(Section 4, NPPF)**

- 12 Prior to the commencement of development, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate 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 4, NPPF)

- 13 Prior to the commencement of development, details of the amendments to the public highway including if necessary stopping up of the existing public highway to the east of the application site (i.e. the area indicated as Road Retained on plan 14065wd2.018 and Adopted Highways on plan 14065wd2.019) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with the approved details.

Reason: To ensure the highway is amended in an appropriate manner for the locality and if necessary stopped up in an adequate manner.
(Policy BE8, SBLPR and Section 4 and 12, NPPF)

- 14 Prior to the commencement of development, details of alterations to the existing zebra crossing on the High Street to the north of the application site, consisting of the introduction of a central island, shall be submitted to and approved in writing by the Local Planning Authority. The altered crossing shall be fully implemented before the development is first occupied or brought into use and thereafter retained.

Reason: In the interest of road safety and aiding pedestrian flows.
(Section 4, NPPF)

- 15 Prior to the commencement of development, details of physical measures to include bollards, benches, lamp posts and tree planting in the proposed pedestrianised area on the High Street frontage, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented before the development is first occupied or brought into use and thereafter retained.

Reason: To prevent vehicle parking on the pedestrianised area in an appropriate manner for the locality.
(Policy BE8, SBLPR and Sections 4, 7 and 12, NPPF)

- 16 Prior to the commencement of development, the detailed design for the surface water drainage for the site and associated details of its proposed management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The final design shall be based on sustainable drainage principles and a site-specific assessment carried out in accordance with BRE Digest 365, and shall include provision of attenuation and a restriction in run-off rates to replicate greenfield conditions or provide betterment of the existing drainage regime. The approved drainage system shall then be implemented in accordance with the approved detailed design and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure the approved surface water drainage system functions to a satisfactory minimum standard of operation and

**maintenance.
(Section 10, NPPF)**

- 17 No building shall be occupied until a 'Management and Maintenance Plan' for the entire surface water drainage system, demonstrating that all surface water management structures and facilities shall be maintained in perpetuity to assure that the structures and facilities function as originally designed, has been submitted to and approved in writing by the Local Planning Authority.**

**Reason: To ensure the implementation and long term operation of a sustainable drainage system.
(Section 10, NPPF)**

- 18 Prior to the commencement of development, a scheme for the protection of the dwellings from noise from road traffic shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the recommendations identified in the Noise Impact Assessment (Cass Allen, Ref RP01-15382Rev1) dated 14th June 2016. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter.**

**Reason: To protect the residential amenity of future occupants.
(Policy BE8, SBLPR and Section 11, NPPF)**

- 19 Noise resulting from the use of plant machinery or equipment in relation to the use hereby approved shall not exceed a level of 5dBA below the existing background level plus any penalty for tonal, impulsive or distinctive qualities when measured or calculated according to BS4142:2014. The levels shall not exceed those stated in table 4 of the Noise Impact Assessment (Cass Allen, Ref RP01-15382Rev1) dated 14th June 2016.**

**Reason: To protect the residential amenity of future occupants.
(Policy BE8, SBLPR and Section 11, NPPF)**

- 20 Prior to the commencement of development, a scheme for the protection of the residential dwellings from internal and external noise (including deliveries) from adjacent commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the recommendations identified in the Noise Impact Assessment (Cass Allen, Ref RP01-15382Rev1) dated 14th June 2016. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details. The approved scheme shall be retained in accordance with those details thereafter.**

**Reason: To protect the residential amenity of future occupants.
(Policy BE8, SBLPR and Section 11, NPPF)**

- 21 Prior to the commencement of development, a Phase 2 investigation report, as recommended by the Preliminary Contamination Risk Assessment (FWS Consultants, Ref 19720R01) dated January 2016, shall be submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the Phase 2 report, a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal 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 action.

**Reason: To protect human health and the environment.
(Section 11, NPPF)**

- 22 Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Control of dust and dirt on the public highway
- g) Details of consultation and complaint management with local businesses and neighbours
- h) Waste management proposals; and
- i) Mechanisms to deal with environmental impacts such as noise, air quality, light and odour.

Development shall proceed in accordance with the approved plan.

**Reason: In the interests of highway safety and the control of environmental impacts.
(Policy BE8, SBLPR and Sections 4 and 11, NPPF)**

- 23 Except as may be otherwise required by condition 13 of this permission, the scheme shall be carried out in accordance with the Landscape Statement (Churchman Landscape Architects, Ref 445_001_D) dated October 2016. A timetable for its implementation and a programme of management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

**Reason: To ensure satisfactory landscape treatment of the site.
(Policy BE8, SBLPR and Sections 7 and 12, NPPF)**

- 24 Prior to the commencement of development, a Method Statement detailing how retained trees and hedgerows will be protected at the site

has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Method Statement.

Reason: To ensure that trees and hedgerows are properly protected at the site.

(Policy BE8, SBLPR and Sections 7, 11 and 12, NPPF)

- 25 **Prior to occupation of the development, a Public Art Plan shall be submitted to and approved in writing by the Local Planning Authority. Installation of Public Art shall commence on site prior to occupation of 50% of dwellings. The Public Art Plan shall be implemented in full and as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.**

Reason: To assist in creating a quality environment.

(Policy BE8, SBLPR and Section 7 and 12, NPPF)

- 26 **Prior to the commencement of development, a scheme for biodiversity enhancement at the site including a timetable for its delivery shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved and in accordance with the approved timetable.**

Reason: To ensure that biodiversity is properly protected at the site.

(Section 11, NPPF)

- 27 **No first floor windows or other openings shall be formed in the first floor of the development facing the north east side elevation of No. 1 Whitehouse Close.**

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

(Policy BE8, SBLPR and Section 7, NPPF)

- 28 **The two proposed pedestrian accesses from the development onto Whitehouse Close shall be for emergency use only.**

Reason: For the avoidance of doubt, and to prevent additional footfall and traffic activity in Whitehouse Close.

(Policy BE8, SBLPR and Section 7, NPPF)

- 29 **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 14065wd2.001, MID4237-01, MID4237-500 Rev A, 294993-T-01.dwg Sheet 1 of 1, 14065wd2.002, 14065wd2.010 Rev B (omitting the area of public highway to the east of the application site which is to be considered by a scheme submitted pursuant to condition 13), 14065wd2.012, 14065wd2.013, 14065wd2.014, 14065wd2.015, 14065wd2.016, 14065wd2.017, 14065wd2.020, 14065wd2.021, 14065wd2.022, 14065wd2.023, 14065wd2.024, 14065wd2.025, 14065wd2.026, 14065wd2.027, 14065wd2.028, 14065wd2.029, 14065wd2.030 (omitting the ramp into the undercroft which is superseded by proposed section SS on plan 14065wd2.038), 14065wd2.031, 14065wd2.032, 14065wd2.033, 14065wd2.034, 14065wd2.035,**

14065wd2.036, 14065wd2.037, 14065wd2.038, 14065wd2.050, 14065wd2.051, 14065wd2.052, 14065wd2.053 Rev A, 14065wd2.054, 14065wd2.055, 14065wd2.056, 14065wd2.057 Rev A, 14065wd2.058 Rev A, 14065wd2.059 Rev A, 14065wd2.060 Rev A, 14065wd2.070, 14065wd2.071, 14065wd2.072, 14065wd2.073, 14065wd2.074, 14065wd2.075, 14065wd2.076, 14065wd2.077, 14065wd2.078, 14065wd2.079, 14065wd2.080, 14065wd2.081, 14065wd2.082, 445/100 Rev C (omitting the area of public highway to the east of the application site which is to be considered by a scheme submitted pursuant to condition 13), 445/101 Rev B (omitting the area of public highway to the east of the application site which is to be considered by a scheme submitted pursuant to condition 13), 445/102 Rev C, 445/103 Rev D, 445/104 Rev D, 445/105 Rev D (omitting the area of public highway to the east of the application site which is to be considered by a scheme submitted pursuant to condition 13), 445/106 Rev D (omitting the area of public highway to the east of the application site which is to be considered by a scheme submitted pursuant to condition 13), 445/107 Rev D, 445/108 Rev C, 445/500 Rev C (omitting the area of public highway to the east of the application site which is to be considered by a scheme submitted pursuant to condition 13), and 445/501 Rev B.

Reason: To identify the approved plans and to avoid doubt.

NOTES TO APPLICANT

- 1 In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the National Planning Policy Framework (NPPF).
- 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 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, MK42 5AN.
- 4 The applicant is advised that in order to comply with Condition 13 of this permission it will be necessary for the developer of the site to enter into an agreement with the Highway Authority to ensure the satisfactory completion of the associated road improvements.
- 5 In respect of condition 16, the surface water drainage scheme shall be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753); and will include

the following:

- Clear details of the existing and proposed impermeable areas and run off rates.
 - Full detailed calculations using FEH rainfall data showing the simulated rainfall storms for the 1 year, 30 year, 100 year and 100 year plus climate change;
 - Detailed plans and drawings showing the proposed drainage system in its entirety, including location, pipe run reference numbers, dimensions, gradients and levels (in metres above Ordinance Datum). This shall include all elements of the system proposed, including source control, storage, flow control and discharge elements;
 - Details of flow control measures to be used, demonstrating that runoff rate and volume will not exceed greenfield rates where practicable;
 - Full calculations of the attenuation storage volume required including allowances for climate change, based on the simulated rainfall runoff and the agreed post-development discharge rates;
 - Flooded areas for the 1 in 100 year storm when system is at capacity, demonstrating flow paths for design for exceedance.
 - Resilience and resistance of individuals to flooding, including finished floor levels.
 - Integration of the drainage system with wider site objectives, including water quality treatment, amenity, biodiversity and Amenity.
 - Details of the structural integrity, proposed construction of the system, and any phasing of works.
 - Full details of the provision of access for maintenance and the proposed responsible parties for maintaining and/or adopting surface water drainage, for the entire drainage system. Including any proposed split of the surface water management system and/or maintenance responsibilities between private (i.e. within curtilage) and public (i.e. in public open space and/or highway).
- 6 In respect of condition 20, notwithstanding that the detail of the layout/uses of the retail units has not been decided at this stage, as stated in the Noise Impact Assessment (Cass Allen, Ref RP01-15382Rev1) dated 14th June 2016, the scheme to be agreed will potentially include restrictions on hours of use and deliveries etc to ensure that residential amenity is not compromised.
- 7 An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made

to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

- 8 The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

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

These requirements are as follows:

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

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

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

- 9 If required by condition 13, the development shall not begin unless and until highway rights have been extinguished across the highway to the east of the application site, in accordance with a stopping up order to be made by the Secretary of State for Transport, Government Office for the East of England, under Section 247 of the Town and Country Planning Act 1990, or by application to the highway authority for the stopping up of highway land via the magistrates court under section 117 of the Highways Act 1980.

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 stage 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 (paragraphs 186 and 187) and in

accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- (1) In advance of the consideration the Committee were advised of additional consultation responses from Historic England, as set out in the late sheet appended to these minutes. The Committee were also advised of revised conditions and informatives.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.