

Item No.**SCHEDULE B**

APPLICATION NUMBER	CB/09/06759/REN
LOCATION	Dukeminster Estate, Church Street, Dunstable, LU5 4HU
PROPOSAL	Residential development for up to a maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to a maximum of 300sq metres of class A1 floorspace and up to a maximum of 520sq metres of class D1 floorspace.
PARISH	Dunstable
WARD	Dunstable Downs
WARD COUNCILLORS	Cllrs Paul Freeman & Tony Green
CASE OFFICER	Mr C Murdoch
DATE REGISTERED	23 November 2009
EXPIRY DATE	22 February 2010
APPLICANT	Lionsgate Properties
AGENT	Planning Works Ltd
REASON FOR COMMITTEE TO DETERMINE	Objection from the Town Council
RECOMMENDED DECISION	Rep PP - New Time Limit - Granted

Site Location:

The Dukeminster Estate, which has a total area of 6.823ha, is on the north side of Church Street some 580m east of the town centre crossroads. Fronting onto Church Street and excluded from the application site are four office blocks on two sites (either side of the estate access) that have a combined area of 1.43ha - from west to east, Venture House (3 storeys), Unit 4 (4 storeys), Unit 1 (6 storeys) and Unit 18 (5 storeys). The 5.393ha application site lies to the rear of the office blocks and comprises 16 production/warehouse units (some with ancillary yard areas) ranging from 441sqm to 5,690sqm and having a total floorspace of 22,176sqm. Typically, the buildings are of portal frame construction with brick elevations, some having been over-clad (following refurbishment), under pitched cement fibre sheet covered roofs. The eaves height of most units is 5.5m.

The site is bounded to the north-west by blocks of 3 storeys flats off The Mall, to the west by 2 storey terraced and semi-detached houses in The Mall, Kingsway and Bernard Close, to the south by the office blocks fronting Church Street and to the east and north east by the trackbed of the former Luton to Dunstable railway line, a County Wildlife Site and part of the proposed route of the Luton Dunstable Busway. The northern and western boundaries of the estate are defined by wooded embankments such that the existing industrial/warehouse units are at a higher level than residential properties in The Mall, Kingsway and Bernard Close. A small number of trees on the western embankment are protected by a TPO.

The south-western corner of the site is in close proximity to the eastern boundary of the Conservation Area. The Dukeminster Estate is designated as a Main Employment Area in the adopted South Bedfordshire Local Plan Review.

The Application:

This is an application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation. The existing outline planning permission, reference SB/OUT/06/00884, was granted on appeal on 4th December 2007 following a public inquiry in August 2007.

The permitted scheme is for residential development for up to a maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to a maximum of 300sqm of Class A1 floorspace and up to a maximum of 520sqm of Class D1 floorspace. Access to and within the site for vehicles, cycles and pedestrians was determined at this outline stage, all other matters being reserved for later consideration. The illustrative masterplan indicates 10 individual blocks of one and two bedroomed flats arranged around the central open space. The buildings would vary in height - stepping up from 3 storeys in the north-western part of the site to 4 storeys and 5 storeys in the south eastern part adjacent the office blocks. Typical building heights would be as follows:

- 5 storey residential - 14.90m;
- 4 storey residential - 12.05m;
- 3 storey residential - 9.20m;
- Class A1/D1 plus 3 storey residential - 12.55m.

On the roof of each building there would be a 2m high zone for the lift overrun, roof access, water storage and television equipment.

The extant permission is subject to a Unilateral Undertaking and the applicants have submitted a fresh Undertaking with the current application. The applicants' covenants within the new Undertaking are identical to those within the previous Undertaking.

In addition, the applicants have submitted a parallel application - reference CB/09/06766/RM - that seeks approval of reserved matters in respect of the erection of 231 dwellings, 300sqm of Class A1 retail and 513sqm of Class D1 accommodation.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development.

PPS3 - Housing.

PPS4 - Planning for Sustainable Economic Growth.

PPS9 - Biodiversity and Geological Conservation.

PPS10 - Planning for Sustainable Waste Management.

PPG13 - Transport.

PPG15 - Planning and Historic Environment.

PPG16 - Archaeology and Planning.

PPG17 - Planning for Open Space, Sport and Recreation.

PPS23 - Planning and Pollution Control.

PPS24 - Planning and Noise.

PPS25 - Development and Flood Risk.

Regional Spatial Strategy

East of England Plan (May 2008) Policies

SS1 - Achieving Sustainable Development.

SS2 - Overall Spatial Strategy.

SS3 - Key Centres for Development and Change: Luton/Dunstable/Houghton Regis & Leighton-Linslade.

SS5 - Priority Areas for Regeneration: Luton/Dunstable/Houghton Regis.

E1 - Job Growth.

E2 - Provision of Land for Employment.

H1 - Regional Housing Provision 2001 to 2021.

H2 - Affordable Housing.

T4 - Urban Transport.

T8 - Local Roads.

T9 - Walking, Cycling and other Non-Motorised Transport.

T13 - Public Transport Accessibility.

T14 - Parking.

ENV3 - Biodiversity and Earth Heritage.

ENV6 - Historic Environment.

ENV7 - Quality in Built Environment.

WAT4 - Flood Risk Management.

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Strategic Policy 1: The Spatial Framework - Locations for Growth: Luton/Dunstable/Houghton Regis (with Leighton-Linslade).

Strategic Policy 3: Sustainable Communities.

Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

Bedfordshire Structure Plan 2011

Policy 25 - Infrastructure.

South Bedfordshire Local Plan Review Policies

BE8 - Design and environmental considerations.

T4 Public transport services along former Luton/Dunstable rail line.

T10 Controlling parking in new development.

H2 - Making provision for housing via "fall-in" sites.

H3 - Meeting local housing needs.

H4 - Providing affordable housing.

E1 - Providing for B1-B8 development within Main Employment Areas (Category 1).

R10 - Children's play area standard.

R11 - Provision of new urban open space in new residential developments.

Planning History

SB/TP/74/0186	Permission for construction of estate road, rehabilitation of existing industrial units, erection of new warehouses and ancillary office accommodation.
SB/TP/85/0933	Permission for generator and fuel storage tank (Unit 5).
SB/TP/86/1384	Permission for vehicle loading dock to existing warehouse and ancillary works (Unit 2-3).
SB/TP/88/1247	Permission for enlargement of five windows in rear elevation of second floor offices (Unit 5).

SB/TP/90/0190	Permission for continuation of warehouse use (Unit 12).
SB/TP/93/0801	Permission for change of use from warehouse to light industrial (Unit 11b).
SB/TP/94/0598	Permission for change of use of vacant compound area to car park (land adjacent Units 12, 13 and 14).
SB/CPD/95/0003	Lawful Development Certificate issued for proposed use of premises for Class B2 general industrial use (Unit 17).
SB/TP/95/0050	Outline permission for office development with parking (land adjacent Unit 18 and rear of Units 12, 13 and 14).
SB/TP/95/0580	Permission for use of land for car parking purposes (land adjacent Unit 15 and rear of Unit 18).
SB/TP/00/1057	Outline application for new industrial units - withdrawn (land adjacent Units 11b, 12, 13, 14 and 15).
SB/TP/00/1105	Permission for fitting of cladding to front elevations (Units 7-10).
SB/TP/02/0230	Permission for additional entrance doors in front and windows in side elevations (Unit 2).
SB/TP/03/0083	Outline application for 4 units for Class B1, B2 and B8 purposes - disposed of (land adjacent Units 11b, 12, 14 and 15).
SB/TP/04/1218	Application for use of site for B1, B2 and B8 purposes and erection of 18.5m high water tower, storage shed. sprinkler tank
SB/OUT/06/0884	Refusal for residential development for up to maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to maximum of 300sqm of Class A1 floorspace and up to maximum of 520sqm of Class D1 floorspace. Subsequent appeal allowed.
CB/09/06766/RM	Application for erection of 231 dwellings, 300sqm of Class A1 retail and 513sqm of Class D1 accommodation (Reserved matters - outline permission SB/OUT/06/0884). To be determined.

**Representations:
(Parish & Neighbours)**

Dunstable Town
Council

Objections:

- Proposal would result in loss of one of last major employment sites in town. Town Council would welcome development of light industrial units on site which could be used for start-up businesses.
- With number of large residential developments in town and loss of such employment sites there will be few opportunities for employment, leading to Dunstable becoming dormitory town.

Neighbours

46 Dukes Court, The Mall

Only concern is that should access to The Mall reserved for emergency vehicles, cycles and pedestrians become access for all vehicles, residents of The Mall will have major traffic and parking problems.

42 Kingsway

Objections:

- 458 dwellings will add well over 600 cars to already congested local roads.
- Plans show exit road from new estate directly onto The Mall and Kingsway which could mean possibility of well over 200-400 extra vehicles in Kingsway alone.
- Vehicle movements within new estate and in Kingsway will increase noise and air pollution.
- Given elevated level of site in relation to Kingsway, 5 storey block of flats will appear as 7 storey building which would not be conducive to local skyline and would result in loss of privacy.
- Abundant blocks of flats built in town that are not only intrusive, but also many are empty, so no point in building 458 more. Town needs business, shops, vitality, not empty flats.
- Once building commences, all wildlife in existing tree belt at rear of Kingsway will disappear.

Consultations/Publicity responses

Environmental Health Officer	No objection. Recommend conditions.
Tree and Landscape Officer	No objection. Trees protected by TPO would not be directly affected by proposal. Appeal Inspector concluded that there would be sufficient safeguards subject to imposition of suitable condition.
Environment Agency	No objection. Recommend conditions.
Highways Agency	No objection. Proposal will not adversely affect A5 at this location.
Planning Development Liaison Officer	Given size of development, financial contribution towards waste services will be required and this will need to be discussed and agreed with applicants. Recommend condition requiring site waste management plan to be submitted for approval prior to commencement of development.
Anglian Water	Foul sewerage system cannot accommodate flows from proposed development. Not aware when capacity will become available, but this is unlikely to be within standard timescales of planning permission. If development proceeds before further capacity is provided, it is possible that this will result in environmental and amenity problems downstream Foul drainage from development will be treated at

Dunstable Sewage Treatment Works that at present has available capacity for these flows.

Archaeologist

No objection.

Site lies adjacent to Dunstable Roman Town, Augustinian Priory and Icknield Way prehistoric routeway. Whilst this is archaeologically sensitive area, previous land use, location and scale of proposal means that it is unlikely to have significant impact on important archaeological deposits.

Bedfordshire Police ALO

Concerned about perimeter footpath/cycletrack which would appear to create unnecessary connections and segregated routes, contrary to Bedfordshire Community Safety Supplementary Planning Guide.

Planning Obligations SPD advises that in order to meet demand for planned population growth for area, additional police facilities are considered essential in order to reduce crime and maintain community safety. Application does not include details of house types/number of bedrooms, but assuming generic average 2.4 person dwelling, this would generate financial contribution of £94,806.00 (458 x £207). Request that for all qualifying developments LPA include within S106 Agreement required financial contribution towards police's ongoing responsibility.

Highways Officer

Recommends that, should permission be granted, conditions imposed by appeal inspector on extant outline permission be re-imposed. No further comments.

Determining Issues

The main considerations of the application are;

1. Loss of Main Employment Area
2. Impact on local character
3. Residential amenity
4. Highway safety
5. Foul water drainage
6. Unilateral Undertaking
7. Other issues

Considerations

1. Loss of Main Employment Area

The application site is part of the Dukeminster Estate which is designated as a Main Employment Area in the South Bedfordshire Local Plan Review, adopted January 2004. Main Employment Areas are safeguarded by Policy E1 that states in the first paragraph:

"Within Main Employment Areas, defined on the Proposals Map, planning

permission will not be granted for uses other than B1, B2 and B8 of the Use Classes Order 1987....."

As stated above, this current application is an application for a new planning permission to replace an extant planning permission - reference SB/OUT/06/00884 - in order to extend the time limit for implementation. Following a public inquiry in August 2007, the existing outline permission for the residential-led mixed use redevelopment of the estate was granted on appeal in December 2007. It follows that the loss of the greater part of the Main Employment Area at the Dukeminster Estate has been established by the appeal decision.

The Luton and South Bedfordshire Employment Land Review (ELR) was published in January 2008 and forms part of the evidence base for Joint Luton and southern Bedfordshire Local Development Framework. The ELR acknowledges the appeal decision and in its 'traffic light' assessment of all the employment estates in the joint area, it identifies the Dukeminster Estate as a 'red' estate. 'Green' estates are to be retained in employment use, 'amber' estates are also to be retained in employment use, but require some form of intervention (for example, upgrading or redevelopment) and 'red' estates are considered suitable to be released from employment use. Furthermore, the existing permission for residential use is recognised in the inclusion of the application site as a future housing site in the joint area's Strategic Housing Land Availability Assessment.

2. Impact on local character

The appeal inspector considered this issue and his report includes the following points.

- The local topography and mature boundary planting create a strong sense of visual containment and the site has no direct connection with neighbouring land uses or development. The impact of the site and its proposed buildings on the surrounding area would therefore be limited.
- Illustrative drawings confirm that the site could be developed at a density of 85 dwellings per hectare (dph) in a way that would reflect the height and scale of development in the locality.
- Having regard to the relationship between the site and existing residential development to the north and west, there is no reason why the site could not be developed at the density and to the intensity proposed in a way that would be compatible with its surroundings.
- In respect of the activity generated by the proposal, commercial traffic movements would be largely replaced by domestic traffic, the impact of which on local character would almost certainly be less than if the site were to continue to be used for commercial purposes.

Given the inspector's comments, it is considered that the new scheme would, in terms of land use and the density and intensity of the development proposed, be compatible with the character of this part of Dunstable.

3. Residential amenity

The appeal inspector also considered this issue and confines his observations to the relationship between the proposed development and residential properties to the north and west. His report includes the following points.

- Illustrative drawings show how the site might be developed - residential blocks up to 5 storeys in the south-eastern part of the site and buildings not exceeding 3 storeys towards its north-western corner. Layout and scale are reserved matters and details of the site layout and the design and scale of individual buildings would be subject to the Council's approval, if outline permission was granted.
- Having taken into account differences in level between the site and land to the north and west, there is no reason why there should be a significant reduction in the level of privacy presently enjoyed by residents in The Mall or Kingsway. Moreover, given the density of development proposed, the new buildings would not appear overbearing when viewed from The Mall or from Kingsway.

In addition to the inspector's comments, it is necessary also to bear in mind the existing wooded embankments (defining the northern and western boundaries of the site) that would for a greater part of the year when the trees are in full leaf help to screen the proposed development and further reduce any potential loss of privacy and any potential overbearing appearance.

Given the above comments, it is considered that the new scheme is capable of preserving the amenity of the occupiers of existing dwellings adjacent the site.

4. Highway safety

Access to the site is the only matter to be determined at this outline stage, all other matters being reserved for later consideration. Church Street would continue to provide the sole means of access to the site, except for an emergency access at its northern end. At the time of the appeal in respect of the 2006 application, on the basis of a comparative assessment of traffic generation and turning movements, the County Council, as highway authority, confirmed that the development proposed would have no greater effect on the surrounding road network than the present use of the site. The withdrawal of earlier highways objections by the County Council and the Highways Agency was conditional upon the adoption of a residential travel plan and the creation of a pedestrian/cycle link between the northern part of the site and existing roads to the north. The Unilateral Undertaking submitted with the current application provides for a travel plan and for a contribution towards providing the pedestrian/cycleway.

The Highways Officer recommends that, should permission be granted, the conditions imposed by the appeal inspector on the extant outline permission be re-imposed.

5. Foul water drainage

In their consultation response, Anglian Water states that the local foul sewerage system would not be able to accommodate flows from the proposed development and that the company are not aware when capacity will become available, but this is unlikely to be within the standard timescales of a planning permission. The company states also that if development proceeds before further capacity is provided, the outcome could be environmental and amenity problems downstream.

The Environment Agency has been made aware of Anglian Water's comments

and recommends a condition requiring that no development shall be commenced until a scheme for the improvement and/or extension of the existing sewerage system has been approved and that no dwellings shall be occupied until the approved scheme has been completed.

6. Unilateral Undertaking

In August 2007 during the course of the public inquiry in respect of the appeal proposal, the applicants (then appellants) submitted a Unilateral Undertaking made pursuant to Section 106 of the Town and Country Planning Act 1990. As the extant permission is subject to a Unilateral Undertaking, a fresh Undertaking has been submitted with the current application. The applicants' planning obligations within this Undertaking are identical to those of the previous Undertaking, although they now refer to Central Bedfordshire Council. The obligations cover a number of matters that include:

- payment of contributions towards outdoor sports facilities and built sports facilities, to be calculated from a formula based on the number of dwellings within the reserved matters scheme;
- provision of affordable housing;
- payment of a contribution of £10,000 towards public art;
- the submission for approval of a residential travel plan and payment of a contribution of £20,000 towards a pedestrian/cycleway; and,
- payment of a contribution towards lower and middle school educational facilities, to be calculated from a formula based on the number of dwellings within the reserved matters scheme.

The affordable housing provision would be 30% of the total number of dwellings and of that proportion 65% would be social housing for rent and 35% would be shared ownership dwellings. The appeal inspector considered that the affordable housing element was a particular benefit of the proposed development and it is acknowledged that this element of the scheme would assist in redressing the shortfall of previous years. Accordingly, it is not proposed to amend the affordable housing obligation within the Unilateral Undertaking accompanying the current application.

7. Other issues

Emergency access

Both objectors have expressed concern about the proposed vehicular link between the site and The Mall and its potential to be used as a secondary access between the new estate and the road network to the north and west. This link would be an emergency access and would incorporate a footpath/cycleway. One of the recommended conditions requires the submission for approval of a detailed plan and section of the emergency access (including information on the gradient), whilst another condition requires the submission for approval of details of a scheme incorporating a control mechanism to prevent its unauthorised use. Such conditions would ensure that the emergency access is not used by vehicles other than for emergency purposes.

Police ALO's comments

Around the perimeter of the site would be a shared footpath/cycleway that would be connected to the principal access road by a number of links through the area occupied by the blocks of flats. This perimeter loop could function as a fitness

trail for the residents. In only two places would it be connected to public highways beyond the estate - in the north west as part of the emergency access and in the south west linking through to Church Street. There is a need to ensure that residents of the scheme can access local services by foot and these proposed linkages are considered to be acceptable.

The application was submitted before 5th January this year and is therefore not subject to the provisions of the Planning Obligations SPD.

Waste management

Again, no financial contribution towards waste services may be sought, as the proposals are not subject to the provisions of Planning Obligations SPD. A condition is recommended requiring the submission for approval of a detailed waste audit addressing issues in respect of waste generated by the construction phase and subsequent occupation phase of the new scheme.

Reasons for Granting

Whilst the use of the site for largely residential development would result in the loss of the site's potential for employment use, contrary to Local Plan Review Policy E1, it is considered that the underlying policy purposes are unlikely to be compromised and any development conflict would be outweighed by the benefits to be derived from the residential development proposed, especially in terms of affordable housing.

Recommendation

That Planning Permission be GRANTED subject to the following:

- 1 **Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out only as approved.**
REASON: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).
- 2 Plans and particulars of the reserved matters referred to in Condition 1 above, relating to appearance, landscaping, layout and scale, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out only as approved.
REASON: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).
- 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years after the date of this permission.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.
- 4 The development hereby permitted shall begin either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

- 5 **Development shall not commence until a landscaping scheme to include any hard surfaces and earth mounding has 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 for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**
REASON: To ensure a satisfactory standard of landscaping. (Policy BE8, S.B.L.P.R.).
- 6 All excavations and trenches required in connection with the construction of the outer footpath/cycleway route, sewers or any other services provided association with the development shall, where they pass under the canopy of any tree, be hand dug so as to minimise damage to its root system. A minimum of 10 days notice shall be given in writing to the Local Planning Authority of an intention to commence such excavations or trenching.
REASON: To safeguard existing trees. (Policy BE8, S.B.L.P.R.).
- 7 **Development shall not commence until surface water drainage details, including highway drainage and incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage scheme shall be implemented in accordance with details set out in the Flood Risk Assessment dated June 2007 prepared by Enviros Consulting Limited.**
REASON: To ensure that any increased risk of surface water flooding is prevented and to improve water quality.
- 8 **No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing sewerage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the scheme for improvement of the existing sewage system has been completed.**
REASON: To ensure that improvements to the sewerage system are carried out to prevent exacerbation of an existing problem with combined sewer overflows, to ensure that the additional discharge would not result in a contravention of the discharge consent and to ensure that the additional discharge would not result in a failure to meet a statutory or non-statutory water quality objective.
- 9 **No development approved by this permission shall be commenced until (a) the application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority, and (b) detailed proposals consistent with current best practice for the removal, containment or otherwise rendering such**

contamination to have an acceptable risk to the aquatic environment or human health have been submitted to and approved in writing by the Local Planning Authority. Thereafter, works approved by the Local Planning Authority to address contamination on any part of the site that might be affected by the development shall be carried out prior to or during the course of the development.

REASON: To prevent pollution of the water environment and to ensure that any site contamination is dealt with safely in the interests of the health and safety of the public and users of the development.

(Policy BE8, S.B.L.P.R.).

10 Prior to the commencement of any phase of development approved by this planning permission, the developer shall submit to the Local Planning Authority, in both paper and electronic form where possible:

(a) A Phase 1 desk study incorporating a site walkover, site history, maps and all further features of industry best practice relating to potential contamination.

(b) Where shown to be necessary by the Phase 1 desk study, a Phase 2 site investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate soils and gas sampling.

(c) Where shown to be necessary by the Phase 2 site investigation, a Phase 3 detailed scheme for the remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

(d) On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and sampling.

Any remediation scheme and any variations shall be agreed in writing by the Local Planning Authority prior to the commencement of works. This should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and shall be adhered to.

REASON: To protect human health and the environment.

(Policy BE8, S.B.L.P.R.).

11 Fixed plant associated with the proposed development must be designed to a level which is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant are to apply at a position 1m from the closest affected window of the relevant noise sensitive property.

REASON: To prevent nuisance from noise and to safeguard the amenities of the area.

(Policy BE8, S.B.L.P.R.).

12 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all rooms, internal corridors and staircases as is necessary to achieve as a minimum standard an internal noise level for bedrooms of 30dB(A)eq, 8-hour (23.00 to 07.00) and for living

rooms of 35dB(A)eq, 16-hour (07.00 to 23.00).

REASON: To protect occupants from externally generated noise.

(Policy BE8, S.B.L.P.R.).

- 13 **Development shall not commence until a detailed waste audit addressing issues in respect of waste generated by the construction phase and subsequent occupation phase of the development has been submitted to and approved in writing by the Local Planning Authority. The waste audit shall include details of:**
- 1. The anticipated nature and volumes of waste that the development will generate;**
 - 2. Measures to maximise the re-use on-site of waste arising from demolition, engineering and landscaping;**
 - 3. Steps to be taken to ensure effective segregation of wastes at source during demolition and subsequent construction of the development including, as appropriate, the provision of waste sorting storage and recovery and recycling facilities;**
 - 4. Any other steps to be taken to minimise the generation of waste throughout any required demolition and during construction of the development;**
 - 5. Provision within the proposed development to encourage occupiers to manage their waste effectively and sustainably. This may include provision for waste and recycling storage areas, road and development layouts which allow waste and recyclables to be collected effectively, and provision of community recycling facilities;**
 - 6. Provision for monitoring the implementation of steps 1 to 5 above; and,**
 - 7. A timetable for implementing steps 1 to 6.**

REASON: To ensure that waste is managed sustainably during the lifetime of the development in accordance with the objectives of Policy WM6 of the East of England Plan and Policies W5 and W6 of the Bedfordshire and Luton Waste Local Plan 2005.

- 14 Details of all visibility splays and sight lines at road junctions within the site shall be submitted to the Local Planning Authority and the development shall not take place other than in accordance with the details approved in writing by the Local Planning Authority. Thereafter, sight lines shall be maintained and vision splays be kept free of any obstruction to visibility.

REASON: To provide adequate visibility at road junctions in the interests of road safety.

- 15 **Development shall not commence until detailed plans and sections of roads proposed within the site, including the emergency access and including information on gradients, have been submitted to and approved in writing by the Local Planning Authority and no building shall be first occupied until the roads providing access to it from the public highway have been constructed and completed in accordance with the details approved, apart from final surfacing.**

REASON: To ensure that the proposed roadworks are constructed to an adequate standard.

- 16 **No dwelling forming part of a phase of the development hereby permitted shall be first occupied before footways have been**

constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The details shall include information on any repositioning of street furniture or statutory undertakers' equipment that may be required to avoid obstructing the footway.

REASON: In the interests of road safety and pedestrian movement.

- 17 Before the first occupation of any dwelling or any other accommodation forming part of the development hereby permitted, all on-site vehicular areas, including parking areas, shall be surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the buildings.

- 18 **Development shall not commence before wheel cleaning facilities have been installed at all site exits in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the facilities shall be retained during the construction period and removed only when road works necessary to provide access and egress for construction traffic have been completed, apart from final surfacing.**

REASON: In the interests of amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

- 19 Before the emergency access indicated on the approved Access and Circulation Plan (Drawing No. 567/060728/ASK/03A received 23/11/09) is brought into use, details of a scheme incorporating a control mechanism to prevent its unauthorised use shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information on any repositioning of street furniture or statutory undertakers' equipment that might be required to avoid obstructing the access.

REASON: To prevent unauthorised use of the emergency access.

- 20 **No development shall take place until an independently verified Code for Sustainable Homes report that achieves a Code Level 3 rating or above for each dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter, each dwelling shall be provided in accordance with the report before it is first occupied.**

REASON: To ensure the efficient use of resources during construction and in use, to reduce the scheme's impact on the environment and to promote sustainable development.

(Policy BE8, S.B.L.P.R.).

- 21 This permission relates only to the details shown on Drawing Nos. 567/03 (Site Location Plan) and 567/060728/ASK/03A (Access and Circulation Plan) received 23/11/09 or to any subsequent appropriately endorsed revised plan.

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

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby

certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy

East of England Plan (May 2008) Policies

SS1 - Achieving Sustainable Development.

SS2 - Overall Spatial Strategy.

SS3 - Key Centres for Development and Change:

Luton/Dunstable/Houghton Regis & Leighton-Linslade.

SS5 - Priority Areas for Regeneration: Luton/Dunstable/Houghton Regis.

E1 - Job Growth.

E2 - Provision of Land for Employment.

H1 - Regional Housing Provision 2001 to 2021.

H2 - Affordable Housing.

T4 - Urban Transport.

T8 - Local Roads.

T9 - Walking, Cycling and other Non-Motorised Transport.

T13 - Public Transport Accessibility.

T14 - Parking.

ENV3 - Biodiversity and Earth Heritage.

ENV6 - Historic Environment.

ENV7 - Quality in Built Environment.

WAT4 - Flood Risk Management.

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Strategic Policy 1: The Spatial Framework - Locations for Growth: Luton/Dunstable/Houghton Regis (with Leighton-Linslade).

Strategic Policy 3: Sustainable Communities.

Bedfordshire and Luton Policies 2(a) and 2(b): Luton/Dunstable/Houghton Regis and Leighton-Linslade.

Bedfordshire Structure Plan 2011

Policy 25 - Infrastructure.

South Bedfordshire Local Plan Review Policies

BE8 - Design and environmental considerations.

T4 Public transport services along former Luton/Dunstable rail line.

T10 Controlling parking in new development.

H2 - Making provision for housing via "fall-in" sites.

H3 - Meeting local housing needs.

H4 - Providing affordable housing.

E1 - Providing for B1-B8 development within Main Employment Areas (Category 1).

R10 - Children's play area standard.

R11 - Provision of new urban open space in new residential developments.

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. 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.

DECISION

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