

Item No. 14**SCHEDULE B**

APPLICATION NUMBER	CB/09/06437/OUT
LOCATION	Boscombe Place (former Renault site) Boscombe Road, Dunstable, LU5 4LX
PROPOSAL	Demolition of all existing buildings and erection of single 67,164 sqm Class B8 distribution warehouse including ancillary enclosed covered yard (adjacent Ridgeway Avenue site boundary), 3,132sqm three storey offices, 360sqm transport office and 32sqm gatehouse (total floor space 70,688sqm) and provision of 185 HGV parking spaces (including 76 loading bays) and 294 car parking spaces (revised application SB/OUT/09/00127).
PARISH	Dunstable
WARD	Icknield
WARD COUNCILLORS	Cllr John Kane & Cllr David McVicar
CASE OFFICER	Mr C Murdoch
DATE REGISTERED	11 November 2009
EXPIRY DATE	10 February 2010
APPLICANT	Gazeley UK Ltd
REASON FOR COMMITTEE TO DETERMINE	This is a Major Development accompanied by an Environmental Impact Assessment
RECOMMENDED DECISION	Outline Application - Granted

That Planning Permission be granted subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to ensure the provision of pedestrian/cyclist crossing facilities on Boscombe Road, the provision of footpath/cycleway links to existing footpath/cycleways, the introduction of real-time bus information, the enhancement of public transport facilities and the provision of public art on the site frontage and subject to the following:

- 1 Details of landscaping (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 landscaping, 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 and details of the proposed interval planting of trees along the eastern site boundary (the boundary with Ridgeway Avenue properties) - 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 **Development shall not commence until a Tree Protection Plan (reference BS 5837: 2005 *Trees in Relation to Construction*) has been submitted to the Local Planning Authority for written approval, showing clearly the position, dimensions and build specification of protective barriers to be erected around the required Root Protection Area for all boundary trees to be retained and trees situated "off-site", in order to establish an effective Construction Exclusion Zone. The Construction Exclusion Zone shall also recognise the need to protect the existing canopy spread of trees from damage if this extends beyond the Root Protection Area. The Root Protection Area shall be calculated in accordance with Table 2 "Calculating the RPA" of BS 5837: 2005 as an area equivalent to a circle with a radius of 12 times the diameter for single stemmed trees, measured at 1.5m from ground level, and 10 times the basal diameter for trees with more than one stem arising below 1.5m above ground level.**

REASON: To ensure a satisfactory protection of rooting medium needed to sustain the satisfactory health and stability of respective root systems and to exclude plant, machinery and storage materials from encroaching into the existing canopy spread of the trees. (Policy BE8, S.B.L.P.R).

- 7 The existing trees and shrubs within the tree belt adjacent the eastern site boundary (the boundary with Ridgeway Avenue properties) shall be retained and protected in a manner to be approved in writing by the Local Planning

Authority and shall not be destroyed, uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees or shrubs removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced by trees or shrub specimens of such size and species as may be agreed with the Local Planning Authority. Such trees or shrub specimens 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 comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard existing trees on site.
(Policy BE8, S.B.L.P.R).

- 8 Before the development is first occupied or brought into beneficial use, the parking spaces, servicing and unloading areas shown on the 'Proposed Site Layout Plan', Drawing No. 15398/A1/0100J received 11/11/09 (or on any subsequent appropriately endorsed revised plan), shall be completed and thereafter retained for this purpose. The HGV and car parking spaces hereby permitted shall be kept permanently available for the parking of the vehicles for which they are laid out.

REASON: To ensure provision for car parking and servicing clear of the highway and to ensure that off-street parking for HGVs and cars is retained in the interests of highway safety.
(Policy T10, S.B.L.P.R).

- 9 **Development shall not commence until samples of the external materials to be used for the walls and roofs of all new buildings has 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 proposed building.
(Policy BE8, S.B.L.P.R).**

- 10 **Development shall not commence until details of the levels of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details. The eaves height of the main warehouse building shall not exceed 14m above existing ground levels and the eaves height of the canopy enclosing the eastern (rear) yard shall not exceed 7m above existing ground levels.**

**REASON: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.
(Policy BE8, S.B.L.P.R).**

- 11 **Development shall not begin until details of the junctions between the proposed access roads and the highway have been approved by the Local Planning Authority and no building shall be occupied until the junctions have been constructed in accordance with the approved details.**

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

- 12 No building shall be occupied or brought into beneficial use until a 3m wide footpath/cycleway has been constructed along the entire length of the Boscombe Road site frontage. Details of a scheme to construct the footpath/cycleway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath/cycleway shall be constructed in accordance with the approved details. Any statutory undertakers' equipment or street furniture shall be re-sited to provide an unobstructed footpath/cycleway.

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

- 13 Any gates provided shall open away from the highway and be set back a distance of at least 8.0 metres from the nearside edge of the carriageway of the adjoining highway.

REASON: To enable vehicles to draw off the highway before the gates are opened.

- 14 The maximum gradient of the vehicular accesses shall be 10% (1 in 10).

REASON: In the interests of the safety of persons using the accesses and users of the highway.

- 15 Before any 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 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.

- 16 Before the proposed buildings hereby permitted are first occupied or brought into beneficial use, 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.

- 17 **No development shall commence until wheel cleaning facilities have been provided at all site exits in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development commences and the Site Developer shall ensure that all vehicles exiting the site use the approved wheel cleaning facilities. The wheel cleaning facilities shall be retained until the development has been substantially completed or until such time as the Local Planning Authority is satisfied that the roadworks necessary to provide adequate and clean access to and from the public highway have been completed (apart from final surfacing).**

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

- 18 Development shall not commence until a scheme for the parking of cycles on the site and the provision of changing facilities for staff and visitors has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development hereby permitted is first occupied or brought into use. Thereafter, the cycle parking and changing facilities shall be retained for these purposes.

REASON: To ensure the provision of adequate cycle parking to meet the needs of occupiers of, and visitors to, the proposed development in the interests of encouraging the use of sustainable modes of transport.

- 19 Development shall not commence until details of a scheme for the provision of on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking scheme shall be implemented in accordance with the approved details and the designated on-site parking spaces for construction workers shall be retained for this purpose for the duration of the construction period.

REASON: To ensure adequate off-street parking during the construction period in the interests of highway safety.

- 20 Before the proposed development hereby permitted is first occupied or brought into beneficial use, details of a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the travel plan shall be implemented in full within 6 months of the development being first occupied or brought into beneficial use. Moreover, the travel plan shall be monitored and the results of this monitoring be reviewed on an annual basis. Further recommendations for improvements to the travel plan shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To reduce reliance on the private car by promoting public transport and sustainable modes of transport.

- 21 No goods, waste, materials or equipment shall be deposited or stored on the site in the open where it would obstruct use of the parking, servicing and unloading areas shown on the 'Proposed Site Layout Plan', Drawing No. 15398/A1/0100 received 11/11/09 (or on any subsequent appropriately endorsed revised plan).

REASON: To ensure that vehicle parking, servicing and unloading areas are available for those purposes at all times.
(Policy BE8, S.B.L.P.R).

- 22 There shall be no beneficial occupation of any part of the development hereby permitted until details of a scheme for all external lighting has been submitted to and approved in writing by the Local Planning Authority and until the scheme has been implemented in accordance with the approved

details and is operational. There shall be no departure from or variation to the approved lighting scheme without the prior approval in writing of the Local Planning Authority.

REASON: To protect the amenity of the surrounding area and highway safety.

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

- 23 **Development shall not commence until details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and including details of how the scheme shall be maintained, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage scheme shall be implemented in accordance with the approved details before the proposed development is completed.**

REASON: To ensure that any increased risk of surface water flooding is prevented, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system.

- 24 **Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:**

- 1) A preliminary risk assessment which has identified:**
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and,
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To protect the quality of controlled waters.

- 25 **If, during development, contamination not previously identified is found to be**

present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To protect the quality of controlled waters.

- 26 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

REASON: To protect the quality of controlled waters.

- 27 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

REASON: To protect the quality of groundwater.

- 28 **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).**

- 29 To mitigate against the breakout of internally generated noise from the enclosed eastern (rear) yard, the walls and roof shall provide a sound reduction index of 32dB Rw, with a perforated liner to reduce reverberant sound levels in the yard, leading to an overall performance equivalent to 38dB Rw.

The applicants/developers/occupants of the site shall clearly demonstrate that the above quoted sound reduction index for the walls and roof is achieved prior to the commencement of the beneficial use of the site.

With the exception of the rooflights to be incorporated into the roof structure of the enclosed eastern (rear) yard, indicated on Drawing No. 15398/A1/0100J received 11/11/09 (or any subsequent appropriately endorsed revised plan) and the emergency escape doors (which shall achieve a sound reduction index of 30dB Rw) to be located in the eastern elevation of the enclosed yard, indicated on the endorsed elevations, there shall be no openings created in the eastern, northern or southern elevations or roof of the enclosed eastern yard without the express permission of the Local Planning Authority.

REASON: To prevent nuisance from noise and to safeguard the amenities of the surrounding area.
(Policy BE8, S.B.L.P.R).

- 30 Fixed operational 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.

The applicants/developers/occupants of the site shall clearly demonstrate that noise from the installed fixed operational plant achieves the required noise standard prior to the use of the plant.

REASON: To prevent nuisance from noise and to safeguard the amenities of the area.
(Policy BE8, S.B.L.P.R).

- 31 Normal working hours for demolition and construction works shall be 08:00 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays. There shall be no working on Sundays, Bank or Public Holidays.

REASON: To minimise disturbance to the occupants of neighbouring properties during the demolition and construction phases of the development.
(Policy BE8, S.B.L.P.R).

- 32 **No development shall take place until the Local Planning Authority has agreed in writing the content of a Construction Environmental Management Plan for the proposed development which shall cover noise, vibration and air quality management. Construction and installation of plant and machinery shall proceed strictly in accordance**

with the approved Plan.

**REASON: To minimise disturbance to the occupants of neighbouring properties during the construction phase of the development.
(Policy BE8, S.B.L.P.R).**

33 There shall be no beneficial occupation of the development hereby permitted until an energy demand assessment has been submitted to and approved in writing by the Local Planning Authority. The energy demand assessment shall demonstrate the total energy demands of the site and the likely annual carbon emissions. Energy savings through energy efficient design and technology should be assessed and renewable energy technologies shall be incorporated into the design where feasible. The likely energy supply from renewable sources and where possible carbon savings shall be stated as a percentage of total energy usage (established from the energy demand assessment). If renewable options are rejected, justification shall be provided. The details as approved in the energy demand assessment, by virtue of this condition, shall thereafter be implemented and maintained.

**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).**

34 There shall be no beneficial occupation of the development hereby permitted until details of an Environmental Sustainability Assessment have been submitted to and approved in writing by the Local Planning Authority in order to demonstrate how the development will adopt and incorporate sustainable construction standards and techniques and achieve not less than the BREEAM standard of 'Very Good' for both the main warehouse building and the ancillary offices. Furthermore, the BREEAM standard of 'Excellent' for the ancillary offices shall be achieved unless reasonable justification is provided for not achieving this standard. The development shall be undertaken in accordance with these approved details.

**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).**

35 **Before development commences and notwithstanding the information submitted with the application, the applicant shall, with regard to television signal reception in the area containing the application site, provide the Local Planning Authority with details of a study that:**

- a) **Measures the existing television signal reception within the impact area and within an area of 500 metres radius surrounding the building. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries (CAI) or by a body approved by the Office of Communications (OFCOM), and shall include an assessment of the survey results obtained.**
- b) **Assesses the impact of the development on television signal reception within the impact area identified in (a) above.**

The study shall identify such measures necessary to maintain at least the pre-existing level and quality of television signal reception identified in the survey carried out in (a) above. The measures identified must be carried out before the proposed development is substantially completed.

**REASON: To provide an indication of the area of television signal reception affected by the proposed development and provide a basis on which to assess the extent to which the proposed development affects television signal reception and to ensure that the development at least restores the original level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications.
(Policy BE8, S.B.L.P.R).**

- 36 There shall be no beneficial occupation of any part of the proposed development hereby permitted until the details of the Framework Travel Plan prepared by RPS Planning and Development dated March 2010, to support the application and to mitigate against the additional traffic generation onto the M1 motorway and A5 trunk road Dunstable, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency. Thereafter, the Travel Plan shall be implemented in accordance with the approved details.

REASON: To ensure that car travel generated by the proposed development is reduced in the interests of highway safety and to encourage the use of sustainable modes of transport.

- 37 Before the development hereby permitted is first occupied or brought into beneficial use and notwithstanding the details submitted with the application, further particulars of the design, siting, external appearance, internal structure/technical specification and means of operation of the mechanical air handling plant and equipment proposed in association with the use of enclosed eastern (rear) yard shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the air handling plant and equipment shall be installed in accordance with the approved particulars. There shall be no additional exhaust cowls installed on the building over and above the six exhaust cowls indicated on Drawing No. 15398/A1/0101E received 02/11/09 (or any subsequent appropriately endorsed revised plan) without the express permission of the Local Planning Authority.

REASON: To control the appearance of the proposed development and to safeguard the amenities of the surrounding area.
(Policy BE8, S.B.L.P.R).

- 38 Before development commences and notwithstanding the details submitted with the application, further particulars of the proposed site boundary treatments, to include particulars of security fencing, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed site boundary treatments shall be carried out in accordance with the approved particulars. The existing acoustic fence adjacent the eastern site boundary shall be retained.

Reason: To control the appearance of the proposed development in the interests of the amenities of the surrounding area.
(Policy BE8, S.B.L.P.R).

- 39 This permission relates only to the details shown on RPS Drawing Nos. 15398/A1/0101E, 15398/A1/0105A, 15398/A0/0110B, 15398/A1/0111A, 15398/A1/0112, 15398/A2/0120A, 15398/A1/0125, 15398/A0/0210A, 15398/A0/0300B, 15398/A0/0301, 15398/A0/0605 and 15398/A0/0611 received 02/11/09, RPS Drawing No. 15398/A1/0100J received 11/11/09, RPS Drawing No. 15398/A1/0130B received 22/01/10, RGA Drawing No. BOS/2/C/1A, BOS/2/C/3, BOS/2/C/4, BOS/2/C/5 and BOS/2/C/6 received 02/11/09 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)

SS1 - Achieving Sustainable Development.
SS2 - Overall Spatial Strategy.
SS3 - Key Centres for Development and Change.
SS5 - Priority Areas for Regeneration.
E1 - Job Growth.
E2 - Provision of Land for Employment.
E3 - Strategic Employment Sites.
T6 - Strategic and Regional Road Networks.
T8 - Local Roads.
T14 - Parking.
ENV3 - Biodiversity and Earth Heritage.
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.

South Bedfordshire Local Plan Review Policies

BE8 - Design and environmental considerations.

T10 - Controlling parking in new developments.

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

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.

[Note:

- (1) In advance of the consideration of the application the Committee were advised of consultation received as set out in the Late sheet attached to these Minutes.
- (2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.]