

Item No. 12**SCHEDULE B**

APPLICATION NUMBER	CB/09/06991/OUT
LOCATION	Former BTR site, London Road, Dunstable
PROPOSAL	Outline application for a mixed use development comprising a maximum of 64 dwellings, a hotel (Class C1) comprising a maximum of 120 bedrooms, offices (Class B1) with a maximum floor area of 880sqm and a specialised care home (Class C2) with a maximum of 75 bedrooms.
PARISH	Caddington
WARD	South East Bedfordshire
WARD COUNCILLORS	Cllr Ruth Gammons & Cllr Richard Stay
CASE OFFICER	Mr C Murdoch
DATE REGISTERED	21 December 2009
EXPIRY DATE	22 March 2010
APPLICANT	I C P Commercial (Dunstable) Ltd
AGENT	Pegasus Planning Group
REASON FOR COMMITTEE TO DETERMINE	Major Application, elements of which are a departure from Development Plans
RECOMMENDED DECISION	Outline Application - Granted

Recommendation

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

- provision of affordable housing;
- the practical completion of the proposed hotel building before occupation of any of the market housing;
- the payment of pooled financial contributions towards education and public open space;
- the submission of parameter plans that define the land uses and build zones (phases) of the proposed development together with a scheme for design coding for each zone (phase); and
- provision of a footpath/cycleway linking the proposed housing site to Southwood Road/Norfolk Road and associated landscaping works to the existing bund,

and to delegate issuing of the planning permission (with any required amendments/additions to the S106 Agreement and conditions) to the Head of Development Management (South) or the Team Leader Major Applications, subject to the following:-

CONDITIONS:

- 1 **Before development begins on any phase of the development hereby permitted, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters for that particular phase, namely the**
 - **access**

- appearance
- landscaping
- layout; and
- scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with Article 3(4).

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 for each phase of the development hereby permitted, referred to in Condition 1 above, 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 for each phase of the development hereby permitted 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 on any phase of the development hereby permitted shall not commence until a landscaping scheme for that phase (or a comprehensive landscaping scheme for the whole site) - 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 the relevant phase 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 on any phase of the development hereby permitted shall not commence until a scheme for screen fencing and/or screen walling for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully**

implemented before the relevant phase of the development is first occupied or brought into use and thereafter retained.

**REASON: To safeguard the amenity of the area.
(Policy BE8, S.B.L.P.R.).**

- 7 **Development on any phase of the development hereby permitted shall not commence until samples of the external materials to be used for the walls and roof(s) of the new building(s) to be erected on the site of that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**REASON: To control the appearance of the proposed building(s).
(Policy BE8, S.B.L.P.R.).**

- 8 **Development on any phase of the development hereby permitted shall not commence until details of the levels of the proposed building(s) to be erected on the site of that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development on the relevant phase shall be implemented in accordance with the approved details.**

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

- 9 **There shall be no beneficial occupation of any phase of the development hereby permitted until details of a scheme for all external lighting for that phase 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 for the relevant phase 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.).**

- 10 **The site of each phase or element of the development hereby permitted shall only be used for the purposes described in the application and for no other purpose in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification).**

REASON: To define the extent of the permission and to avoid doubt.

- 11 **Development on any phase of the development hereby permitted shall not commence until details of a surface water drainage scheme for that phase (or a comprehensive surface water drainage scheme for the whole 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 for the relevant phase of the development (or the whole site) shall be implemented in accordance with the approved details before that phase 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.

- 12 **Development on the residential phase of the development hereby permitted shall not commence until details of a scheme to ensure potable water supply for that phase meets Code Levels 3/4 in the Code for Sustainable Homes, where water consumption is 105l/p/d, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the residential phase of the development shall be implemented in accordance with the approved details.**

REASON: To ensure that in an area where there are high levels of stress on water resources (acknowledged by the applicants in Section 5 of the submitted Sustainability Appraisal) a target to reduce water consumption is established.

- 13 **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.).**

- 14 **To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all dwellings as is necessary to**

achieve as a minimum standard an internal noise level of 30dB LAeq, 23.00 to 07.00 and 45dB LMax, 23.00 to 07.00 for bedrooms and 35dB LAeq, 07.00 to 23.00 for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55db LAeq, 1hr in garden areas. Any works which form part of the noise attenuation scheme approved by the Local Planning Authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring with the results reported to the Local Planning Authority in writing before any permitted dwelling is occupied unless an alternative period is approved by the Local Planning Authority.

REASON: To protect occupants from externally generated noise.
(Policy BE8, S.B.L.P.R.).

- 15 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.).

- 16 Before any part of the development hereby permitted is occupied, details of a revised Travel Plan, as set out in the Transport Assessment prepared by RPS to support the application, to mitigate against the additional traffic generation onto the A5 London Road, Dunstable, shall be 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.

- 17 Before development on any commercial phase of the development hereby permitted commences, details of the proposed boundary treatments on the site of that phase, 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 of the relevant commercial phase shall be carried out in accordance with the approved details.

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.).

- 18 The application for the approval of the reserved matters in respect of any

phase of the development hereby permitted shall be in accordance with the parameters described in the Design and Access Statement submitted with the outline application and the parameter plans that form part of this permission.

REASON: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended) and to avoid doubt.

- 19 **Before development begins on any phase of the development hereby permitted, a Waste Audit and Waste Management Plan for that phase, indicating how opportunities for the reduction, recycling and re-use of waste during construction and occupation of that phase will be taken account of, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development on the relevant phase shall be carried out and completed in accordance with the approved Waste Audit and Waste Management Plan.**

REASON: In the interests of sustainable waste management. (Policies W5 and W6, Bedfordshire and Luton Waste Local Plan).

- 20 **No development on any phase of the development hereby permitted shall commence until wheel cleaning facilities have been provided at all site exits in accordance with a scheme for that phase submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed and made operational before development on the relevant phase 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 on the relevant phase 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.

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

22 The driveway length in front of any garages shall be at least 6.0m as measured from the garage doors to the highway boundary.

REASON: To ensure that parked vehicles do not adversely affect the safety and convenience of road users by overhanging the adjoining public highway.

23 Development shall not begin until the detailed plans of the proposed carriageways, footways and verges, in accordance with the Design Guide For Central Bedfordshire – Design Supplement 7 (Movement, Streets and Places) have been approved by the Local Planning Authority and no building shall be occupied until those carriageways, footways and verges which provide access have been constructed (apart from final surfacing) in accordance with the approved details.

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

24 Development shall not begin until the detailed parking provision within the development, in accordance with the Design Guide For Central Bedfordshire – Design Supplement 7 (Movement, Streets and Places), has been approved by the Local Planning Authority and no building shall be occupied until that provision has been made in accordance with the approved details.

The following parking standards shall apply:

- 1.25 spaces for 1 bedroom dwellings;
- 2.25 spaces for 2 and 3 bedroom dwellings;
- 3.25 spaces for 4 bedroom dwellings.

REASON: To ensure provision of car parking in the interest of the safety and convenience of road users.

25 The allocation of residential visitor parking shall be managed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

REASON: To minimise the potential for indiscriminate parking in the interest of the safety and convenience of road users.

26 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.).

27 This permission relates only to the details shown on the Site Location Plan and Drawings Nos. 1.0107_01-7D, JKK4575/100A and JKK4575/101A received 17/12/09 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.
SS3 - Key Centres for Development and Change.
SS5 - Priority Areas for Regeneration.
SS7 - Green Belt.
E1 - Job Growth.
E2 - Provision of Land for Employment.
E6 - Tourism.
H1 - Regional Housing Provision 2001 to 2021.
H2 - Affordable Housing.
T4 - Urban Transport.
T6 - Strategic and Regional Road Networks.
T8 - Local Roads.
T9 - Walking, Cycling and other Non-Motorised Transport.
T14 - Parking.
ENV2 - Landscape Conservation.
ENV7 - Quality in Built Environment.
ENG1 - Carbon Dioxide Emissions and Energy Performance.

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 7 - Areas of Great Landscape Value.
Policy 25 - Infrastructure.

South Bedfordshire Local Plan Review Policies

SD1 - Sustainability keynote policy.
BE8 - Design and environmental considerations.
T10 - Controlling parking in new developments.
T11 - Securing contributions for alternatives to parking.
H2 - Making provision for housing via 'fall-in' sites.
H3 - Local housing needs.
H4 - 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.

[Note: In advance of consideration of the application the Committee were advised of consultation received as set out in the Late Sheet attached to these Minutes.]