

**Item No. 10****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>SB/07/01448/OUT</b>
<b>LOCATION</b>	<b>Land At Houghton Quarry, Houghton Road, Dunstable</b>
<b>PROPOSAL</b>	<b>Erection of up to 140 dwellings with associated car parking, amenity space and landscaping, formation of new vehicular access to Houghton Road and drainage works. (Outline)</b>
<b>PARISH</b>	<b>Houghton Regis</b>
<b>WARD</b>	<b>Houghton Regis</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Egan, Goodchild, Jones &amp; Williams</b>
<b>CASE OFFICER</b>	<b>Mr J Spurgeon</b>
<b>DATE REGISTERED</b>	<b>12 December 2007</b>
<b>EXPIRY DATE</b>	<b>02 April 2008</b>
<b>APPLICANT</b>	<b>Cill Dara Property Partnership</b>
<b>AGENT</b>	<b>DP9</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from Development Plan, major application with unresolved objection from Town Councils</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Granted</b>

**RECOMMENDATION:** that the application be referred to the Secretary of State as a departure from the approved Development Plan and subject to it not being called in by him for his decision, that Planning Permission be **GRANTED** subject to the prior completion of a legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 to include the following Heads of Agreement:

- 1. Affordable Housing land;**
- 1. Compliance with Parameter Plans;**
- 2. Provision and maintenance of Public Open Space on-site;**
- 3. Provision of recreational facilities off-site;**
- 4. Sustainable transport and Highways measures;**
- 5. Houghton Quarry Management Scheme;**
- 6. Educational facilities;**
- 7. Acquisition of control over Third Party Land for the purposes of being able to apply landscaping and highway works;**

and the following conditions:

- 1 Before development begins, the approval of the Local Planning Authority shall be obtained in respect of all the reserved matters, namely the**
  - 8. 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 Further to condition 1 above any application for submission of reserved matters shall include detailed design codes on building form, scale and design, including heights, bulk, massing, materials, detailing, colour pallettes, boundary treatments, street furniture, surface features, key building groups, frontages, landmarks, public squares, and important open spaces. The layout and design should demonstrate how the development relates appropriately to the quarry, as a landscape, natural history and historical resource, and on the way in which open spaces within the site are be linked together with landscape treatment and artistic interventions.

REASON: To produce an acceptable development in view of its sensitive and prominent location.

- 3 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4 **Before development commences, including clearance of vegetation, a Waste Audit shall be submitted and approved in writing by the Local Planning Authority which shall demonstrate how opportunities for the reduction, recycling and re-use of waste during the construction and occupation of the development will be taken into account. The development of the site shall be carried out in strict accordance with the Waste Audit.**

REASON: To provide a wider sustainability basis for the development.

- 5 **No development shall take place until a scheme for the protection of Great Crested Newts has been appropriately licensed and implemented in accordance with section 8.5 of the Land at Houghton Road, Houghton Regis Environmental Statement, November 2007.**

REASON: To ensure that species protected under the Wildlife and Countryside Act 1981 (as amended) are not harmed.

- 6 No clearance of vegetation or ground works shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year unless a survey confirming that there will be no negative impacts on breeding birds has been completed by an appropriately qualified person and has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that species protected under the Wildlife and Countryside Act 1981 (as amended) are not harmed.

- 7 **Before development commences, including clearance of vegetation, a schedule of all trees which it is proposed to retain (the “retained trees”) shall be submitted to and approved in writing by the Local Planning Authority. No development shall commence unless and until the retained trees are protected by substantial protective fencing in accordance with details which shall also be approved by that Authority.**

**The protective fencing shall be retained at full height and extent until the development is substantially completed and no materials shall be stored or deposited and no mixing of materials shall take place within the areas so protected. No protected tree shall be lopped or topped, cut down or destroyed and if so affected it shall be replaced by a replacement tree(s) of such size and species as may be set out by that Authority.**

**REASON:** To protect suitable trees on the site.  
(Policy BE8 S.B.L.P.R).

- 8 Before development commences a Pollution Prevention and Control Method Statement, to include hours of working, shall be submitted to and approved in writing by the Local Planning Authority indicating site operation practice from commencement of site operations to completion of development. Subsequent operations shall conform with the approved statement.**

**REASON:** To safeguard the amenities of local residential properties.

- 9 No development shall commence, including ground clearance, until details of all excavation, imported soil, fill and capping material and new ground forms, including any stabilisation of retained slopes, have been submitted to and approved in writing by the Local Planning Authority. Subsequent operations shall conform with the approved details.**

**REASON:** To enable control to be had of the movement of ground materials in relation to potential contamination and the sensitivity of adjacent areas.

- 10 Prior to the commencement of any phase of the approved development the following shall be submitted to the Local Planning Authority:**

- (a) a Phase I 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 I Desk Study, a Phase II 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 II investigation, a Phase III detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment;**

**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 IV 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 commencement of works. This should include responses to any unexpected contamination discovered during works.**

**REASON:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to

workers, neighbours and other offsite receptors.

- 11 **No development shall commence until details of the surface water drainage works have been submitted to and approved in writing by the local planning authority. The scheme shall be completed in accordance with the approved plans.**

REASON: (Environment Agency condition) To prevent the increased risk of flooding to third parties, to the site itself, to improve water quality and to enhance biodiversity.

- 12 **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:**

**(a) 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**
- **potentially unacceptable risks arising from contamination at the site;**

**(b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;**

**(c) the site investigation results and the detailed risk assessment (b) 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;**

**(d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) 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: (Environment Agency condition) To protect the quality of controlled waters in line with the Environment Agency Groundwater Protection Policy: the site lies above a Principal Aquifer and has potentially contaminative former uses (chalk pit, landfill).

- 13 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing

by that Authority.

REASON: (Environment Agency condition) To protect the quality of controlled waters in line with the Environment Agency Groundwater Protection Policy; the site lies above a Principal Aquifer and has potentially contaminative former uses (chalk pit, landfill).

- 14 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: (Environment Agency condition) To protect the quality of controlled waters in line with the Environment Agency Groundwater Protection Policy: the site lies above a Principal Aquifer and has potentially contaminative former uses (chalk pit, landfill).

- 15 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: Environment Agency condition. To protect the quality of controlled waters in line with the Environment Agency Groundwater Protection Policy: the site lies above a Principal Aquifer and has potentially contaminative former uses (chalk pit, landfill). The site is potentially contaminated and such a foundation solution could lead to the contamination of groundwater in the underlying aquifer.

- 16 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: Environment Agency condition. To protect the quality of controlled waters in line with the Environment Agency Groundwater Protection Policy: the site lies above a Principal Aquifer and has potentially contaminative former uses (chalk pit, landfill).

- 17 **Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.**

REASON: (Environment Agency condition) To prevent the increased risk of pollution to the water environment.

- 18 **Before development commences, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than private domestic gardens and areas adopted by a Local Authority, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.**

REASON: To ensure that such areas contribute positively to the character of

the development.  
(Policy BE8 S.B.L.P.R).

- 19 **No development shall commence (a) unless details have been submitted to and approved in writing by the Local Planning Authority of the position, design and type of boundary treatment to the main site, being the whole site except for the corridor to the west used to construct the Sustainable Drainage System (SUDS), and (b) until the perimeter of the site, including the corridor used to construct the SUDS has been securely fenced in accordance with details which shall have previously been submitted to and approved in writing by that Authority.**  
REASON: To ensure that the development does not harm further areas of the County Wildlife Site in accordance with the Luton and South Bedfordshire Core Strategy Preferred Option CS17 – Biodiversity and Geology and Planning Policy Statement 9 – Biodiversity and Geological Conservation and in the interests of providing a high quality of design.
- 20 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be 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).
- 21 **Before development begins, details of the materials to be used for the external walls and roofs of all new buildings, external hard surfaces, walls, fences, railings, and lighting of areas not to be adopted by a Local Authority, shall be 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 development.  
(Policy BE8 S.B.L.P.R).
- 22 A hardstanding of 25m<sup>2</sup> area with tie down anchor points shall be provided for the purposes of a waste recycling facility.  
REASON: To provide appropriate community level recycling facilities.
- 23 No operation in the course of constructing a dwellinghouse shall take place until a scheme of noise mitigation for dwellings has been submitted to and approved in writing by the local planning authority. All dwellings on the site shall be constructed in accordance with the approved scheme.  
REASON: To provide a satisfactory living environment in relation to the nearby highways.
- 24 **Before development begins, a scheme showing the special facilities to be provided for the convenience of disabled persons, particularly those in wheelchairs, including the means of access to any building, their parking facilities and access to any outdoor facilities shall be**

**submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use.**

REASON: To safeguard the interests of disabled persons.  
(Policy BE8 S.B.L.P.R).

- 25 **Development shall not begin until details of the proposed estate road, the proposed ramped access road, the proposed retaining wall and the junction between the proposed estate road and Houghton Road have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until those works have been constructed in accordance with the approved details.**

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

- 26 The development shall not be commenced until a site wide Travel Plan has been submitted to and approved in writing by the Local Planning Authority, such Travel Plan to include details of:

- Predicted travel to and from the site and targets to reduce car use,
- Details of existing and proposed transport links, to include links to both pedestrian, cycle and public transport networks,
- Proposals and measures to minimise private car use and facilitating walking, cycling and the use of public transport,
- Timetable for implementation of measures designed to promote travel choice,
- Details of provision of cycle parking in accordance with Central Bedfordshire Guidelines,
- Details of marketing and publicity for sustainable modes of transport to include site specific welcome packs. Welcome packs to include site specific travel and transport information; travel vouchers; maps showing the location of shops, recreational facilities, employment and educational facilities; details of relevant pedestrian, cycle and public transport routes to and from and within the site; copies of relevant bus and rail timetables together with discount vouchers for public transport and cycle purchase.

No part of the development shall be occupied otherwise than in accordance with the approved Travel Plan.

REASON: To reduce reliance on the private car.

- 27 **No dwelling shall be occupied until a foot/cycleway has been provided alongside Houghton Road in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**

REASON: To provide appropriate sustainable infrastructure.

28. **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.

29. This permission relates only to the details shown on Drawing No. 5039/OPA/002 Rev 5 received 23/07/09; Drawing No. B0015829/C/SK008 Rev.0 received 22/06/09, and Parameter Plan 5039/OPA/005 received 22/06/09 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 and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition 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).
2. 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**

SS5 Priority areas for regeneration  
SS8 The urban fringe  
H1 Regional housing provision  
H2 Affordable housing  
T2 Changing travel behaviour  
T4 Urban transport  
T8 Local roads  
ENV3 Biodiversity and earth heritage  
ENV7 Quality in the built environment  
ENG1 Carbon dioxide emissions and energy performance  
Wat Integrated water management  
WM6 Waste management in development  
2(a) Luton/Dunstable/Houghton Regis and Leighton Buzzard  
3 Sustainable communities

#### **Bedfordshire Structure Plan 2011**

25 Infrastructure

#### **South Bedfordshire Local Plan Review**

SD1 Keynote policy  
BE8 Design and environmental considerations  
T4 Translink project  
T10 Parking - new development  
T11 Contributions - alternative parking  
T13 Future road construction

H2 Fall-in sites  
H3 Local housing needs  
H4 Affordable housing  
R10 Play area standards  
R14 Informal recreational facilities  
R15 Rights of way network.

3.
  - Where remedial measures are necessary, they should be managed with Part IIA of the Environmental Protection Act 1990 in mind. Encapsulation of any contaminants should be made on the risk-based assessment so that they are unlikely to be subject to future release to the environment.
  - All ground investigations shall be risk based and have regard to BS10175:2001 *Investigation of Potentially Contaminated Sites - Code of Practice* and Environment Agency/NHBC R&D Publication 66 - *Guidance for the Safe Development of Housing on Land Affected by Contamination*.
  - Where analyses are undertaken analytical laboratories should be accredited to MCERTS and where appropriate laboratory methods should also be accredited to MCERTS.
  - The applicants/agent's consulting engineers shall certify that decontamination and remediation of the site has been undertaken in accordance with any measures approved by the Local Planning Authority.
  - The applicant shall advise the Local Planning Authority of commencement of the works.
  - The applicant should also be made aware that the ownership of land shown to be contaminated may accrue legal and financial liabilities under Part IIA of the Environmental Protection Act 1990. Such liabilities are maximised when "pollutant linkages" engender "pathways" for the contaminants to reach "receptors".
  - Central Bedfordshire Council has published its Contaminated Land Inspection Strategy in line with the Environmental Protection Act 1990: Part IIA and its definition thereof. No land has yet been formally designated as being 'contaminated'. However, it should not be taken to imply that the property or adjoining land is free from contamination.
4. In respect of conditions requested by the Environment Agency (usually so indicated above), reference should be made to the formal response of the Agency in their letter dated 30th September 2009 in which background information and advice is set out. This advice should be noted. Contact: Neville Benn, EA, 01480 483996.

5. You are advised to contact Anglian Water Services Ltd further to their formal advice in respect of the application, in respect of their assets in relation to the site. This would include any connection to the surface water and/or foul water sewerage system. Contact: Mrs D Harding, Anglian Water Services Ltd, Peterborough, 01733 414690.
6. Prior to starting preparations for the submission of reserved matters the developer is advised to contact the Local Planning Authority in respect of the treatment of the public realm. This would involve discussions on the way in which the layout and design would enable the development to relate appropriately to the quarry, as a landscape, natural history and historical resource, and on the way in which open spaces within the site can be linked together with landscape treatment and artistic interventions, engaging an artist as appropriate.
7. In respect of condition 3 it is recommended that the Waste Audit be submitted with the application for reserved matters.

[Notes:

1. In advance of consideration of the application the Committee received representations made in accordance with the Public Participation Scheme.
2. 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.]