

**Item No. 7****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/11/02380/OUT</b>
<b>LOCATION</b>	<b>Dukeminster Estate, Church Street, Dunstable, LU5 4HU</b>
<b>PROPOSAL</b>	<b>Demolition of all existing buildings and redevelopment for up to 172 residential dwellings together with 300sqm (gfa) of Class A1 retail space and 513sqm (gfa) of Class D1 accommodation</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Icknield</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs McVicar &amp; Young</b>
<b>CASE OFFICER</b>	<b>Mr J Spurgeon</b>
<b>DATE REGISTERED</b>	<b>16 August 2011</b>
<b>EXPIRY DATE</b>	<b>15 November 2011</b>
<b>APPLICANT</b>	<b>Lionsgate Properties</b>
<b>AGENT</b>	<b>Planning Works Ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Departure from Development Plan and unresolved objections from Town Council.</b>
<b>RECOMMENDED DECISION</b>	<b>Outline Application - Granted</b>

**Recommendation**

To refer the application 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, to authorise the Assistant Director Planning or Head of Development Management to issue the grant of PERMISSION in consultation with the Chairman, Vice - Chairman and relevant Ward Representative(s) and Executive Member subject to the submission of a satisfactory Unilateral Undertaking or Agreement under S106 of the Planning Acts to secure the following:

- affordable housing
- recreation provision
- contribution towards health services
- travel plan
- contribution towards education services
- contribution towards public art
- contribution towards community facilities
- contribution towards sustainable travel
- contribution towards waste services
- contribution towards emergency services

and to 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**

- 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 4.

**Reason: To comply with Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.**

- 2 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.

- 3 **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 for a period of five years until fully established.**

**Reason: To ensure a satisfactory standard of landscaping. (Policies ENV7 RSS; BE8, S.B.L.P.R).**

- 4 The plans and particulars to be submitted in accordance with Condition 3 above shall include:

(a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;

(b) and in relation to every tree identified a schedule listing:

- information as specified in Paragraph 4.2.6 of British Standard BS 5837 : 2005 (*Trees in Relation to Construction - Recommendations*);
- any proposed pruning, felling or other work;

(c) and in relation to every existing tree identified to be retained on the

plan referred to in (a) above, details of:

- any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see Paragraph 5.2.2 of BS 5837 : 2005);
- all appropriate tree protection measures required before and during the course of development (see Condition 2 below);

(d) areas of existing landscaping to be protected from construction operations and the method of protection (see Condition 2 below).

Reason: To safeguard the existing trees on the site in the interests of visual amenity.

(Policies ENV7 RSS; BE8, S.B.L.P.R.).

- 5 Development shall not commence until a tree protection plan, which clearly shows the position and build specification of tree protection, with the purpose of enclosing an area around the canopy spread of all retained trees, has been submitted to and approved in writing by the Local Planning Authority. The fencing shall form a construction exclusion zone (as specified in Section 9 of BS 5837 : 2005) which shall be demarcated by protective barriers (as specified by Figure 2 of BS 5837 : 2005). These measures shall be for the purpose of avoiding localised compaction of the rooting medium and preventing damage to the natural canopy spread by avoiding branch encroachment by plant and machinery.

Reason: To safeguard the rooting medium, natural canopy spread and health of trees marked for retention on the site layout plan and which are considered to be strategically important.

(Policies ENV7 RSS; BE8, S.B.L.P.R.).

- 6 No works or development shall take place until a scheme of supervision for the tree protection measures required by Conditions 4 and 5 above has been submitted to and approved in writing by the Local Planning Authority. This scheme of supervision shall be appropriate to the scale and duration of the works, shall be administered by a qualified arboricultural consultant instructed by the applicant/developer and approved by the Local Planning Authority and shall include details of:

- the arrangements for holding a pre-commencement site meeting to be attended by the site manager, the arboricultural consultant instructed by the applicant/developer and the Council's arboricultural officer to agree all aspects of the tree protection measures and aspects of their implementation and sequencing;
- the identification of individual responsibilities and key personnel;
- the timing and methods of site visiting and record keeping, including updates; and,

- procedures for dealing with variations and incidents.

The scheme of supervision shall be carried out as agreed.

**Reason: To establish a system that will ensure that acceptable tree protection measures are implemented and maintained thereafter. (Policies ENV7 RSS; BE8, S.B.L.P.R.).**

- 7 If any underground services are required to be routed through the root protection areas of retained trees, such works shall be carried out in strict accordance with the guidance set out in the National Joint Utilities Group's publication "*Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees*".

Reason: To safeguard the integrity of the rooting medium within the root protection areas of retained trees.  
(Policies ENV7 RSS; BE8, S.B.L.P.R.).

- 8 The low brick wall on the north-eastern side of the tree belt adjacent the western boundary of the site shall be retained in its existing position and at its existing height and length. There shall be no reduction in its height or length and no sections of the wall shall be removed without the prior written approval of the Local Planning Authority.

Reason: To safeguard existing trees on the site.  
(Policies ENV7 RSS; BE8, S.B.L.P.R.).

- 9 All excavations and trenches required in connection with the construction of the outer footpath/cycleway route 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 trees screening the site.  
(Policies ENV7 RSS; BE8 S.B.L.P.R.).

- 10 Prior to the submission of any reserved matters a Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Code shall address and codify the following matters:
- Spatial arrangement of dwellings and roads
  - Scale
  - Building form and height
  - Architectural composition
  - Private amenity space, arrangements for storage and collection of refuse and recyclables and arrangements for cycle parking
  - Public realm including public art
  - Privacy.

Reserved matters applications and the implementation of the development shall thereafter accord with the approved Design Code details.

Reason: To ensure a satisfactory quality of urban design in this significant site.

- 11 The detailed layout to be submitted shall include the provision of a 'Bring-bank' site.

Reason: To provide a satisfactory scale of recycling opportunities within the development.

- 12 **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.  
(Policies ENV7 RSS; BE8, S.B.L.P.R.).**

- 13 Development shall not begin until 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, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity, and to ensure future maintenance of the surface water drainage system. Environment Agency condition.

- 14 **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 that 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
  - 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: The preliminary risk assessment report indicates that contamination may be present at the site as a result of historical activities. Site investigation and detailed risk assessment is required to determine if contamination is present at levels that a pose a risk of polluting the groundwater (which is used to provide drinking water to the public). Environment Agency condition.**

- 15 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to that Authority.

**Reason: To confirm that any remediation (if required) is completed to an acceptable standard. This is to ensure that the groundwater below the site (which is used to provide drinking water to the public) is not polluted.**

Environment Agency condition.

- 16 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 confirm that any contamination identified during the development works is dealt with appropriately. This is to ensure that the groundwater below the site (which is used to provide drinking water to the public) is not polluted. Environment Agency condition.

- 17 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. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the groundwater (which is used to provide drinking water to the public) below the site is not polluted. Environment Agency condition.

- 18 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. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the groundwater (which is used to provide drinking water to the public) below the site is not polluted. Environment Agency condition.

- 19 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water (Drainage plan) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To prevent pollution to watercourse and to improve water quality. Environment Agency condition.

- 20 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to the building envelope of the houses and flats hereby permitted as is necessary to achieve as a minimum standard an internal noise level of 30dB LAeq (23.00 to 07.00) and 45dB LAmax (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 outdoor amenity areas. Unless otherwise agreed in writing, the effectiveness of the noise attenuation measures shall be demonstrated through validation noise monitoring with the results submitted to and approved in writing by the Local Planning Authority before any dwelling is occupied. Furthermore, the applicant/developer shall identify

any windows that need to remain closed in order for the internal noise environment to meet the required standards. Such windows shall be fixed closed and be non-openable with alternative means of ventilation provided for those rooms affected.

Reason: To protect occupants from externally generated noise.  
(Policies ENV7 RSS; BE8, S.B.L.P.R.).

- 21 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 shall 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.  
(Policies ENV7 RSS; BE8, S.B.L.P.R.).

- 22 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied unless the works have been carried out in accordance with the foul water strategy so approved unless otherwise agreed in writing by that Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

- 23 **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.**

24. Development shall not begin until details of the improvements to the junction between the proposed estate road and the highway have been approved by the Local Planning Authority and no building shall be occupied until that junction has 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 estate road.

25. Visibility splays shall be provided at all road junctions and vehicular access points within the site. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the side road from its junction with the channel to the through road and 25m measured from the centre line of the side road along the channel of the through road. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be entirely free of any obstruction.

Reason: To provide adequate visibility at road junction in the interest of road safety.

26. Development shall not begin until the detailed plans and sections of the proposed road(s), including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access has 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.

27. No dwelling shall be occupied until all triangular vision splays are provided on each side of all accesses on to the new road and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed accesses and to make the accesses safe and convenient for the traffic which is likely to use them.

28. The maximum gradient of the vehicular access shall be 10% (1 in 10).

Reason: In the interests of the safety of persons using the access and users of the highway.

29. Before the premises are occupied 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.

30. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

31. The driveway length in front of the 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.

32. If the proposed road is not constructed to the full length and layout illustrated on the approved plan, a temporary turning space for vehicles shall be constructed within the site in a position to be approved in writing by the Local Planning Authority before any building taking access from the road is occupied.

Reason: To avoid the need for vehicles to reverse into or from the highway in the interest of road safety.

33. No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

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.

34. Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is

first occupied or brought into use and thereafter retained for this purpose.

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

35. Details of bin storage/collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling.

Reason: In the interest of amenity.

36. Development shall not begin until the detailed plans of the proposed highway lighting, using light emitting diodes (LED) within the development has been approved by the Local Planning Authority and no building shall be occupied until that lighting has been installed in accordance with the approved details.

Reason: To ensure that the proposed highways are adequately lit.

37. Development shall not begin until a scheme to restrict the speed of traffic on the estate road has been approved by the Local Planning Authority and no building shall be occupied until that scheme has been implemented in accordance with the approved details.

Reason: In the interests of road safety.

38. Development shall not commence until a scheme detailing provision for 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. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off street parking during construction in the interests of road safety.

39. Before any emergency access which may be provided to and from the site 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 undertaker's equipment that might be required to avoid obstructing the access.

Reason: To avoid excessive use of an access which may not be general use and to safeguard amenities of local residential properties.

40. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2429/222A and 224A. This permission does not extend to the details shown on drawing 2429/100C.

Reason: For the avoidance of doubt.

## Reasons for Granting

A similar scheme but with more than double the number of dwellings was approved at appeal in 2007, the inspector having determined that there was not an overriding need to retain the land in employment use having regard to the benefits of residential development and the availability of existing and proposed employment land elsewhere. This situation has not changed materially in the meantime, the residential potential of the site having now secured it a place in the Council's list of deliverable sites, and there would still be some employment floorspace in the proposal. The lower number of dwellings makes the highway position acceptable although there is still a delay while foul sewerage requirements are assessed and built into the scheme. This can be accommodated by use of a planning condition. The application effectively renews the extant outline appeal permission and is based on the approved Reserved Matters layout. Excluding this indicative layout at this stage therefore provides the option of reviewing the layout (apart from access) at a future stage. The policy situation has been reviewed and there appear to be no material changes to make a permission inappropriate. On the other hand, policy changes deliver a more up to date list of infrastructure contributions including towards local recreation projects. Finally, the proposal would enable a timely regeneration of this large site near to Dunstable town centre and deliver affordable housing.

## Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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:

### **East of England Plan (May 2008)**

SS1 Achieving sustainable development

SS3 Key centres for development and change

SS5 priority areas for regeneration

E2 provision of land for employment

H1 Regional housing provision 2001 to 2021

H2 Affordable housing

T2 Changing travel behaviour

T6 Strategic and regional road networks

T14 Parking

ENV3 Biodiversity and earth heritage

ENV6 The historic environment

ENV7 Quality in the built environment

ENG1 Carbon dioxide emissions and energy performance

WAT4 Flood risk management

WM6 Waste management in development

## Bedfordshire Structure Plan 2011

### 25 Infrastructure

#### South Bedfordshire Local Plan Review

BE8 Design considerations

E1 Main employment areas

H Fall-in sites

H3 Local housing needs

H4 Affordable housing

R10 Play area standards

R11 New urban open space

T1 Location and traffic impact

SD1 Keynote policy

T10 Parking in new development

T4 Translink project

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, 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.
4. Contamination Assessment The Environment Agency recommends that groundwater monitoring wells are installed and sampled as part of the proposed site investigation. They also recommend that developers should:
  1. Follow the risk management framework provided in CLR11, '[Model Procedures for the Management of Land Contamination](#)', when dealing with land potentially affected by contamination;
  2. Refer to their '[Guiding Principles for Land Contamination](#)' documents for the type of information that should be included in a site investigation report;
  3. Refer to their '[Groundwater Protection: policy and practice \(GP3\)](#)' documents.

#### Site Drainage

Of the drainage options for a site, infiltration techniques (primarily soakaways) pose the highest risk of polluting the groundwater. Any drainage design must be protective of the groundwater and in line with our '[Groundwater Protection: policy and practice \(GP3\)](#)' for the use of infiltration techniques to be approved. Some general information is provided below in relation to the use of infiltration techniques.

- If contamination is present in areas proposed for infiltration, they will require the removal of all contaminated material and provision of satisfactory evidence of its removal;

- The point of discharge should be kept as shallow as possible. Deep bored infiltration techniques are not acceptable;
- The distance between the point of discharge and the groundwater table should be a minimum of five metres;
- Only clean, uncontaminated water should be discharged into the ground.

5. With respect to the construction phase it is recommended that reference be made to the Mayor of London's Best Practice Guidance (BPG) *The control of dust and emissions from construction and demolition*. The impacts upon air quality are likely to be in the "High Risk" category and mitigation measures will be required, which should also include solid barriers to the site boundary.

Normal working hours should be 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday and no working on Sunday, Bank Holidays and Public Holidays.

The Council does not specify permitted noise levels, instead contractors shall employ the "best practicable means" as defined in the Control of Pollution Act 1974 to minimise noise and vibration resulting from their operations and shall have regard to British Standard BS 5228:2009 Code of Practice for Noise Control on Construction and Open Sites.

Measures would include contractors taking all reasonable steps to minimise noise and be reasonable in the timing of any high noise level activities. These steps would include noise mitigation measures such as temporary screening or at source insulation may have to be utilised, all vehicles, plant and machinery used during the operations are fitted with effective exhaust silencers and that all parts of such vehicles, plant or machinery are maintained in good repair and in accordance with the manufacturer's instructions and are so operated and orientated so as to minimise noise emissions. Where possible the use of generators should be avoided and mains electricity used. All compressors used shall be "noise reduced" models fitted with properly lined and sealed acoustic covers which shall be kept closed when the machines are in use. Where other alternatives are proposed these should be approved by the Local Authority. All ancillary pneumatic percussive tools should be fitted with approved mufflers or silencers of the type recommended by the manufacturers. All of these items must be kept in good repair and any machinery used intermittently should be shut down when not in use or, where this is impracticable, should be throttled back to a minimum.

6. Notwithstanding the indicative layout it is strongly recommended that progress be sought on a future pedestrian/cycle link between the north corner of the site and the bus stop on the proposed adjacent guided busway, so as to encourage sustainable travel patterns.
7. The reserved matters application should include further details (a) exploring the use of heating systems which have lower carbon emissions than electricity, (b) how photo-voltaic and solar energy panels would be used to supplement heating systems, and (c) to show that BRREAM excellent would be achieved in the non-residential element.

8. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developer's expense under S185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
9. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN.
10. The applicant is advised that if it is the intention to request the Central Bedfordshire County Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the Development Planning and Control Group, Central Bedfordshire Council's Highway Help Desk, P.O.Box 1395, Bedford, MK42 5AN. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
11. The applicant is advised that in order to comply with Condition 24 of this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. Further details can be obtained from the Development Planning and Control Group, P.O.Box 1395, Bedford, MK42 5AN.
12. All roads to be constructed within the site shall be designed in accordance with Central Bedfordshire Council's publication "Design in central Bedfordshire (Design Supplement 7 – Movement, Street and Places" and the Department of the Environment/Department of Transport's "Manual for Streets", or any amendment thereto.
13. The decision is subject to a Unilateral Undertaking by the Applicant.

## NOTES

(1) In advance of the consideration of the application the Committee were advised of consultation and publicity responses received from the Highways Officer, Anglian Water, Sustainable Growth Officer and Youth and Community Artswoker. Details of

which are set out in the Late Sheet appended to the minutes. The Committee further noted additional and amended comments and informatives.

(2 )In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.