

Item No. 9**SCHEDULE B**

APPLICATION NUMBER	CB/11/03719/REN
LOCATION	White Lion Retail Park, Boscombe Road, Dunstable, LU5 4WL
PROPOSAL	Renewal of Planning Permission:SB/08/00807 - Erection of four storey building comprising 24 residential units and construction of new access (outline)
PARISH	Dunstable
WARD	Dunstable Icknield
WARD COUNCILLORS	Cllrs McVicar & Young
CASE OFFICER	Gill Claxton
DATE REGISTERED	14 October 2011
EXPIRY DATE	13 January 2012
APPLICANT	White Lion RP Ltd
AGENT	GVA Grimley Ltd
REASON FOR COMMITTEE TO DETERMINE	Unresolved objection by Dunstable Town Council
RECOMMENDED DECISION	Rep PP - New Time Limit - Granted

Site Location:

The 0.44ha application site lies on the southern side of the Town Centre Link Road (now known as Court Drive) and to the north-west of the White Lion Retail Park. Part of the site is fenced off and being used temporarily in conjunction with constructing the Luton and Dunstable Guided Busway, which will run at the foot of a shallow cutting alongside the western boundary. A bus stop on this corridor will be located adjacent to the site. The L-shaped site has a frontage to Court Drive of approximately 100m and a maximum depth of 120m. The site lies primarily on an area of land previously set-aside to provide a station/terminus in connection with the guided busway but which now provides a bus layby, parking area, a short access road (which presumably went into the land now fenced off for busway construction purposes), and paved/grassed landscaping incorporating a direct path to the retail park. There are some trees in the soft landscaping. All nearby buildings are tall structures clad in pale coloured steel and there are few openings (such as windows) towards the site.

To the east and south of the site lie the retail units and the associated service areas at the Retail Park. To the west on the opposite site of the proposed busway lies residential development at The Mall and part of the Dukeminster Trading Estate. Opposite the site on the north eastern side of Court Drive is the Pro Logis Park while to the north west is the Central Bedfordshire College Dunstable Campus which has prepared a scheme for residential development on that part of the site closest to the application site.

Public Footpath No. 2 Dunstable passes close to the access onto Court Drive and there is an existing cycle route along this road in the vicinity of the site.

The Application:

This application seeks to renew the outline planning permission granted, subject to a S106 Agreement, on 21st April 2009 for the erection of 24 x 2-bed flats with access the only matter to be considered at this stage. The vehicular access would be moved to the east of the current position, which would result in some reconfiguration of the hard and soft landscaping of the Public Square. On the indicative layout the access road would then run along the eastern site boundary to the rear of Unit 7a leading to a parking area for 26 cars with a turning area. Parameter plans show a four-storey flat roofed building in the north western area of the site, pedestrian/cycle links to the site and boundary treatments. Additional indicative sections propose the four storey building to be approximately level with the adjacent retail development. The fencing would include acoustic fencing to the adjacent retail park. Open space would be provided in association with the flats.

The development aims to create a scheme to accord with the standards of a lifetime home and affordable housing. The scheme would aim to incorporate the requirements of the Housing Corporations Design and Quality Standards (D&QS) and the Housing Quality Indicators (HQI), so that the development would meet the design standards that are required of affordable housing providers. The supporting documentation states that the elevations would be designed to reflect their equal importance to the public realm, as they would be viewed from the Public Square, along the Town Centre Link Road and future guided busway. Refuse and cycle stores would be located on a small section of elevation, behind the existing JJB Sport unit.

Existing planting would be retained in pockets and reinforced to allow the development to integrate with its surroundings and proximity to the existing residential areas to the west.

The applicant states that the scheme would be designed to positively contribute to the long-term objectives of environmental protection and resource management and the development would as far as is practicable accord with the best practice principles of sustainable development. The intention would be for the scheme to be designed to achieve no less than Level 3 in the Code for Sustainable Homes.

The original application was accompanied by a Design and Access Statement; Planning Statement, Transport Statement, Contaminated Land Desk-top Study, Noise Assessment; Ecological Survey and Sustainability Checklist.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development; PPS3 - Housing; PPS9 - Biodiversity and Geological Conservation; PPS10 - Planning for Sustainable Waste Management; PPG13 - Transport; PPG17 - Planning for Open Space, Sport & Recreation; PPS23 - Planning and Pollution Control.

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 Achieving Sustainable Development
H1 Regional Housing Provision 2001 to 2021
T1 Regional Transport Strategy Objectives and Outcomes
T4 Urban Transport
T8 Local Roads
T9 Walking, Cycling and other Non-Motorised Transport
T14 Parking
ENV3 Biodiversity and Earth Heritage
ENV7 Quality in the Built Environment
ENG1 Carbon Dioxide Emissions and Energy Performance
ENG2 Renewable Energy Targets
WM6 Waste Management in Development

Luton and southern Central Bedfordshire Joint Core Strategy (November 2010 as amended)

CS1 Development strategy
CS3 Developer contributions for infrastructure
CS5 Linking places
CS6 Housing for all needs
CS8 Increasing access to quality social and community infrastructure
CS9 Quality of design
CS12 Resource efficiency

Bedfordshire Structure Plan 2011

Policy 25 Infrastructure

South Bedfordshire Local Plan Review Policies

SD1 Sustainability keynote policy
H2 Making provision for housing via 'fall-in' sites
H3 Meeting local housing needs
BE8 Design and access requirements
T4 Public transport services along the former Luton/Dunstable railway line
T10 Controlling parking in new developments
R11 New urban open space

Supplementary Planning Guidance

Design in Central Bedfordshire
CBC Planning Obligations SPD (southern)
Dunstable Town Centre Masterplan (May 2011)

Planning History

SB/95/00833	A1 non-food retail warehouse park and A3 fast food restaurant with ancillary car parking, service yards and landscaping incorporating a public square with bus turning facility and town centre link road, subject to a S106 Agreement.
SB/98/00413	Revised scheme for A1 non-food retail warehouse park and A3 fast food restaurant etc. subject to a S106 Agreement. Implemented.

SB/03/01273	Repair of fire-damaged buildings including minor alterations to external elevations. Refusal and appeal allowed.
SB/03/01580	Permission for installation of palisade fencing and gates to the rear of Units 1 and 7.
SB/08/00806/VOC	Removal of condition 21 of permission SB/98/00413 which required an area of land to be set aside in connection with the Guided Busway for a station/terminal building.
SB/08/00807/OUT	Four-storey building comprising 24 residential units, construction of new access (Outline).

**Representations:
(Parish & Neighbours)**

Town Council (7/12/11) Object as the Town Council considers that the introduction of residential units in this predominantly industrial and retail area is inappropriate development and would be in conflict with the surrounding area. If this development would be allowed it would create a precedent for similar development proposals in other retail areas.

Neighbours No response.

Consultations/Publicity responses

Environment Agency (7/11/11) Should only be granted if conditions imposed on contamination and surface water drainage. Recommends an informative.

Anglian Water (21/11/11) Foul water sewerage system can receive extra flows. Preferred surface water system is SUDS. Submitted strategy is unacceptable as the hierarchy is not set out and a condition should be attached.

Environmental Health Officer (7/11/11, 22/11/11, 30/11/11) No objections. Refers to earlier correspondence. This recommends conditions and informatives for contamination. Further information was requested and provided, to cover additional premises and activity. Although the Pro-Logis development had regard to the impact on dwellings at The Mall, which are further away, a condition is still recommended in this instance.

Ecologist (22/11/11) Although no protected species were identified in the 2008 report Badger activity has since been identified in the area and an informative is recommended so that trenches are covered or provided with escape ramps. Also recommends that the site is checked before construction by a qualified ecologist for the presence of a Badger sett to prevent an offence being committed under the Protection of Badgers Act.

Highways Officer (31/10/11) Comments made on previous application still applicable.

Sustainable Travel Officer (22/11/11)	Previous contribution still relevant. Condition 20 to be amended. New condition sought for provision of travel information packs to residents.
Housing Development Officer (24/10/11)	No objection provided 8 affordable housing units included, with 69:31 in favour of social rent, to be dispersed through the site. All units to achieve Code 3 and meet HCA design and quality standards.
School Places Officer (22/11/11)	Requires lower school contribution.
Luton BC Major projects (1/12/11)	No comments.
Waste management (21/11/11)	As the flats would be placed on a communal bin collection scheme the details would need to include bin storage locations and dimensions. Should a private waste contractor be employed this would be replaced by a method statement to the Council from the contractor. A full SWMP is needed prior to commencement.
Leisure Projects Officer (6/12/11)	Requests developer contribution.

Determining Issues

The main considerations of the application are;

1. Planning history
2. Policy changes
3. Town Council objections
4. Conclusions

Considerations

1. Planning history

An application for renewal of permission seeks a fresh Outline permission in its own right but relies on previously submitted documentation and usually an explanation why the earlier permission had not been implemented. The applicants have written to support the renewal application and advised that the reason for not submitting reserved matters under the first permission was that they had granted a short lease to the 'Council' to use part of the application site for the construction of the Busway. They nevertheless have every intention of building out the residential scheme. Luton BC had approached the applicants with a view to obtaining a 12 month lease to allow access for the piling operations. This was granted (expiring August 2012) on condition that Luton BC paid for the application to renew planning permission (ie. this application) and that there would be a financial penalty if the application was not approved or successfully communicated within 13 weeks of the submission. These facts are therefore a material consideration in determining this application.

Under *Greater flexibility for planning permissions* (DCLG, 2009) a Planning Authority should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The scheme will have been judged to be acceptable in principle at an earlier date and authorities should focus on development plan policies and other material considerations which may have changed significantly since the original grant of permission. This advice therefore supersedes the more negative reference in PPS3 (2000, but amended in 2011 only to include the introduction of Affordable rent) whereby LPAs would need to seek *robust evidence that the site is likely to be developed* and that there is *no presumption that planning permission should be granted because of a previous approval*. It is also more in line with the direction the Government is moving through its draft NPPA.

Summarising the previous issues and findings:

1. Principle of residential development.

The site is unallocated on the Local Plan but adjoins the Busway (Policy T4) which is also a CWS. The Busway and its construction do not require any part of the site in the long term. We accepted that the nature of the site did not lend itself to commercial development, and, with the permission for residential development granted on Central Bedfordshire College land opposite, residential would be a reasonable use, complying with Policy H2.

2. Access, design, scale, massing and external appearance.

Access is to be determined at this stage. Moving the access to the east would increase practical availability of the main part of the site for development. Pedestrian access would still be available to the retail park as well as directly to the street, and thence to the new Busway bus stop, adjacent to the site boundary. A developer contribution was payable towards sustainable transport. The S106 Agreement also secured highway works, a TRO to prevent waiting in Court Drive, and dedication of land as public highway. The height of the block would be comparable with the retail park buildings and it would be landscaped with a car park of about 24 spaces (1:1 provision). Density would be 55dpha, which was considered acceptable for an edge-of-centre site.

3. Noise.

Additional evidence was sought on mitigation of external noise from servicing nearby commercial units. No condition was imposed.

4. Open space/biodiversity considerations.

A developer contribution was sought through the S106 Agreement towards the provision and future maintenance of public open space in the vicinity of the development to compensate for shortcomings on the site. Among potential recipients would be Dog Kennel Down, Blows Downs, Houghton Hall Park and Grove House Gardens (DTC).

5. Other matters.

Potential contamination, drainage and sustainable energy were regulated by conditions.

2. Policy changes

The Regional Spatial Strategy is still in place but, with the passing of the Localism Act in November 2011, its provision to abolish RSSs, and in view of the *Cala (3)* judgement, the significance of this intention to the decision making process is increased. The Luton and southern Central Bedfordshire CS is also endorsed for DM purposes. Nothing in this document, however, acts to indicate or justify a departure from the policy framework previously applied.

The previous planning conditions have been reviewed. Minor changes have been made to the text of some, and others updated. It is considered that a noise condition should be imposed together with a requirement for the provision of travel information and details of bin storage. New informatives cover the possibility that evidence of protected species may be found, and that a Unilateral Undertaking binds the implementation of any permission hereby granted.

The CBC Planning Obligations Calculator (Southern) came into force after the previous decision was made and is therefore a significant policy change which needs to be addressed. Contributions are now required from a range of subject areas and 8 affordable housing units would be required.

We will report at the meeting on the outcome of discussions relating to Infrastructure contributions.

3. Town Council objections

The report to the SBDC committee 8/10/08 dealt with matters of concern to the Town Council. It identified that the site is not isolated from residential properties, with The Mall on the other side of the Busway and the residential proposals behind the Central Bedfordshire College. Indeed, the existing permission on the instant site is now written into the Dunstable Town Centre Masterplan (May 2011) (DTCMP) where it is promoted as likely to *'add to the activity and mix of uses in the area, which will become more central to the town centre when the Guided Busway stop is developed.'* This development is well placed to be an *'early win...signalling a momentum for change'* (DTCMP) as well as contributing to a lively and vibrant town (applying the Dunstable Town Council Mission Statement) by providing a 24-hour presence in an otherwise 'empty' corner next to the bus stop. Of course, we would look for a quality development to justify its designation as a Town Centre Gateway. If there is a precedent in allowing this renewal application it should be as seen as effectively in using land which in an undeveloped state contributes little to the vibrancy or history of the town.

4. Conclusion

Starting from the national advice that, in considering renewal applications, LPAs should take a positive and constructive approach, there are also unique circumstances surrounding why the applicant was not able to proceed with his earlier permission within the time frame. It would be at the least disingenuous if the Council (with Luton BC), having asked the land owner for the temporary use of the site for Busway works, then provided additional barriers to him developing the site in due course. The financial penalty reflects the sincerity of the Council in that regard. We have also reviewed the changed Planning Obligation climate and have applied it in a fair way, having regard to the materiality of the original permission and the reason why it was not implemented. It is disappointing that the Town Council has seen fit to repeat its earlier objections, which were fully

considered last time, especially in view of the proposal now being seen in the Masterplan as a positive development, in the preparation of which document it played a key role.

We would fully support the renewal of the previous permission with the appropriate amendments to the conditions and Unilateral Undertaking.

Recommendation

That, subject to a satisfactory range of infrastructure contributions being offered from the developer, Planning Permission be GRANTED subject also to the following:

- 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 and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed building/s 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 building/s.
(Policies ENV7 RSS; BE8 S.B.L.P.R).**

- 4 **Before development begins, a scheme for screen fencing and/or screen walling 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 and thereafter retained.**

**Reason: To safeguard the amenity of the area.
(Policies ENV7 RSS; BE8 S.B.L.P.R).**

- 5 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all rooms, internal corridors and staircases as is necessary to achieve as a minimum standard an internal noise level for bedrooms of 30dBAeq, 8 hour (2300 - 0700h) and for living rooms of 35 dBAeq, 16 hour (0700 - 2300h). Any works which form part of the scheme to be submitted to and approved in writing 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 that Authority in writing before any permitted dwelling is occupied, unless an alternative period is approved in writing by that Authority.

Reason: To provide an acceptable standard of amenity to residents.

- 6 **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.
(Policies ENV7 RSS; BE8 S.B.L.P.R).**

- 7 Prior to the commencement of the development hereby permitted full details of the landscaping to be retained shall be submitted to and agreed in writing by the Local Planning Authority. In this condition "retained landscaping" means an existing tree, shrub or grassed area which is to be retained in accordance with approved plan and particulars; and paragraphs (a) (b) and (c) below shall have effect until the expiration of 5 years from the last date of the occupation of the building for the permitted use.

(a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);

(b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and the tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority;

(c) if any retained shrub is removed, uprooted or destroyed or dies, another shrub shall be planted at the same place and the shrub shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority;

- (d) the erection of fencing for the protection of any retained tree or shrub shall be undertaken in accordance with the recommendations set out in BS 5837 (1991) and the approved plans and particulars before demolition or any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard the existing trees and landscaping on the site.

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

- 8 Prior to the commencement of development for any phase 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 for that phase:

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: This is to demonstrate that there is no unacceptable risk to controlled waters or the human environment. Comprehensive risk assessment and remedial measures will be required to ensure the protection of the environments. (Joint Environment Agency and CBC condition)

- 9 Prior to the occupation of any development approved by this permission, 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 for that phase. 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 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 the Local Planning Authority. (Environment Agency condition)

Reason: To ensure that remedial measures designed to address the risks to water resources and the environment are effective and complete.

- 10 If, during the 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: The nature of soil and groundwater contaminating is such that even where comprehensive site investigation is undertaken on site, some unsuspected contamination may exist between sample locations. This condition allows a reactive mechanism for the control of the way in which such contamination is treated, should it be discovered. (Environment Agency condition)

- 11 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 controlled waters. Proposals should be put forward in a Foundation Works Risk Assessment report and shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment. Piling through contaminated ground can cause serious pollution of groundwater. Foundation options should be carefully considered and controlled. (Environment Agency condition)

- 12 **Development shall not begin until a surface water drainage scheme for the site, incorporating 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 measures detailing:

- (i) disposal of foul and surface water.**

- (ii) any installation of oil and petrol separators.**
- (iii) installation of trapped gullies.**
- (iv) roof drainage - sealed at ground level.**
- (v) how the scheme shall be maintained and managed after completion.**

Reason: To prevent the increased risk of flooding, and to improve and protect water quality. (Environment Agency condition)

- 13 No development approved by this permission shall be commenced until a surface water strategy / flood risk assessment has been submitted to and approved in writing by the Local Planning Authority. No buildings shall be occupied until the works have been carried out in accordance with the approved surface water strategy unless otherwise agreed in writing by that Authority.**

Reason: To prevent pollution of the water environment.

- 14 Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the 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 the premises.

- 15 Development shall not begin until details of the proposed changes to the highway in association with the bus layby have been approved by the Local Planning Authority and no building shall be occupied until those improvements 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 premises.

- 16 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.**

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

- 17 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.

- 18 No dwelling shall be occupied until a 3m wide footway/cycleway has been constructed along the frontage of the site with the public highway in accordance with details of the approved drawing/or scheme to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.

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

- 19 The development shall not be occupied until a turning space for vehicles has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles onto the highway.

- 20 **Before the development is commenced full details of the provision for cycle storage shall be submitted to and agreed in writing with the Local Planning Authority. The cycle store shall be completed prior to the occupation of the first unit and thereafter retained for this purpose.**

Reason: To ensure adequate provision in made for cycle storage.

- 21 Before the development is first occupied or brought into use details of the car parking spaces, servicing and unloading areas shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be completed prior to the occupation of the development and thereafter retained for this purpose.

Reason: To ensure provision for car parking and servicing clear of the highway.
(Policy T10 S.B.L.P.R).

- 22 **Before development begins, details of the levels of the existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority, and development shall thereafter be implemented accordingly.**

**Reason: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.
(Policies ENV7 RSS; BE8 S.B.L.P.R).**

- 23 The Reserved Matters shall include details of proposed bin storage locations.

Reason: To provide adequate and accessible facilities for waste and recycling.

24 **Before development begins, a Site Waste Management Plan which shows how opportunities for the reduction, recycling and re-use of waste during construction and occupation of the development will be taken account of shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out and completed in accordance with the approved details.**

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

25 **Before development commences details for the external lighting of the building and grounds shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out, completed and retained in accordance with the approved details before the occupation of the development.**

**Reason: In the interests of amenity and highway safety.
(Policies ENV7 RSS; BE8 S.B.L.P.R).**

26 Travel information packs shall be produced by the developer, approved by Central Bedfordshire Council's Sustainable Transport Team, and distributed to residents prior to occupation of each unit, such packs to include:

- site specific travel and transport information by all modes
- travel vouchers (free bus tickets/ cycle shop vouchers)
- maps showing the site location and nearby community facilities including shops, recreational facilities, employment and educational facilities
- details of relevant pedestrian, cycle and public transport routes to / from the site
- copies of relevant bus and rail timetables.

Reason: To provide an impetus to sustainable travel.

27 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, Drawing No's 1090 URB DR [08] 1001 A01; 1090 URB DR [08] 1090 URB DR [08] 0001 A00, 1090 URB DR [08] 0002 A00, 1090 URB DR [08] 0003 A00 and 1090 URB DR [08] 0004 A00 plus the Design and Access Statement prepared by Urban Edge received 28/07/08 or to any subsequent appropriately endorsed revised plan.

Reason: To identify the approved drawings and Design and Access Statement and to avoid doubt.

Reasons for Granting

The site is unallocated in the Development Plan and residential development would be an acceptable development between the retail estate and a bus stop on the Luton/Dunstable Busway (under construction), offering positive interest to the townscape and providing vitality to this gateway to the Town Centre. The existing permission on this site is already recognised in the Dunstable Town Centre Masterplan as being likely to add to the activity and mix of uses in the area. The

development would be in scale with the nearby commercial buildings and provide adequate parking for a site with such good modal choice. The unique circumstances of the previous permission having expired because the Council (and Luton BC) sought use of part of the site for a Busway construction site, adds to the national advice that LPAs should generally approach renewal applications positively, in justifying not imposing more onerous conditions as a result of changed Infrastructure Contributions.

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
H1 Regional housing provision 2001 to 2021
T1 Regional transport strategy objectives and outcomes
T4 Urban transport
T8 Local roads
T9 Walking, cycling and other non-motorised transport
T14 Parking
ENV3 Biodiversity and earth heritage
ENV7 Quality in the built environment
ENG1 Carbon dioxide emissions and energy performance
ENG2 Renewable energy targets
WM6 Waste management in development.

Bedfordshire Structure Plan 2011

Policy 25 Infrastructure

South Bedfordshire Local Plan Review

SD1 Sustainability keynote policy
H2 Making provision for housing
H3 Meeting local housing needs
BE8 design and environmental considerations
T4 Public transport services along the former Luton/Dunstable railway line
T10 Controlling parking in new developments
R11 New urban open space.

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. Any waste removed from the site is taken by an authorised waste carrier to a site authorised to take that type of material. Details of these can be found on the public registers page on the Environment Agency website or from the Customer Contact Team on 08708 506506.
5. Further to condition 20 the applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with Central Bedfordshire Council's "Cycle Parking Guidance".
6. The applicant is advised that in order to comply with Conditions 14, 15 and 18 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, Central Bedfordshire Council.
7. 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 Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
8. In connection with Conditions 8 -10, the applicant/developers attention is also drawn to the content of the attached memorandum from the Environmental Health Officer.
9. The site should be checked by an appropriately qualified ecologist before development commences for the presence or activity of any protected animal species to prevent an offence being committed. Details may be obtained from the Council's Ecologist.
10. This permission is subject to the terms of a Unilateral Undertaking.

DECISION

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