

## Item No. 11

<b>APPLICATION NUMBER</b>	<b>CB/12/01650/FULL</b>
<b>LOCATION</b>	<b>Former Dunstable Fire Station, Brewers Hill Road, Dunstable, LU6 1AA</b>
<b>PROPOSAL</b>	<b>Construction of training/education and demonstrator centre with a set of business incubation units, training and parking area.</b>
<b>PARISH</b>	<b>Dunstable</b>
<b>WARD</b>	<b>Dunstable Northfields</b>
<b>WARD COUNCILLORS</b>	<b>Cllrs Mrs Green &amp; Murray</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>08 May 2012</b>
<b>EXPIRY DATE</b>	<b>03 July 2012</b>
<b>APPLICANT</b>	<b>CBC</b>
<b>AGENT</b>	<b>Aragon Land and Planning UK LLP</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Called in by Cllr Nigel Young as the Portfolio holder due to the Council's interest in the development</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**RECOMMENDED** to authorise the Head of Development Management to issue the grant of **PERMISSION** subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act in respect of sustainable transportation measures and provision of a bus stop and lay by, and subject to the following conditions:

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **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 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. (Policy BE8, S.B.L.P.R).**

- 3 **Notwithstanding the details submitted with the application, 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).**

- 4 Before development begins, the position of the building shall be pegged out on site and its position approved in writing by the Local Planning Authority. The development shall thereafter be implemented in the agreed position.

**Reason: To enable consideration to be given to the precise layout of the building in the interests of preserving the protected tree and residential amenity.  
(Policy BE8 S.B.L.P.R).**

- 5 Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority for written agreement:

- 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 Desk Study, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.
- d) Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before any permitted dwelling is occupied. The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report (to incorporate photographs, material transport tickets and validation sampling), unless an alternative period is approved in writing by the Authority. Any such validation 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 should be adhered to.**

**Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency should be approached for approval of measures to protect water resources separately, unless an Agency condition already forms part of this permission.**

**Reason: To protect human health and the environment.**

- 6 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect human health and the environment.

- 7 No occupation shall take place until a verification report demonstrating completion of works set out in an approved remediation strategy and the effectiveness of the remediation has been 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. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, particularly the Upper Bedford Ouse Chalk groundwater body, from potential pollutants associated with current and previous land uses (including the fire station as identified in submitted documents) in line with Environment Agency Groundwater Protection (GP3:2008) position statements P1-4 and P9-5 to P9-7 inclusive.

- 8 **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.**

- 9 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.

- 10 Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

**Reason:** In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 11 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.

- 12 **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.

- 13 **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.

- 14 **No development shall take place until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highways Agency. The Travel Plan shall include the following :**

**The identification of targets for trip reduction and modal shift;**

- **The mechanisms for monitoring and review;**
- **The mechanisms for reporting**
- **The penalties to be applied in the event that targets are not met;**
- **The mechanisms for mitigation including budgetary provision;**
- **Implementation of the Travel Plan (until full occupation) to be**

**agreed timescale or timescale and its operation thereafter;**

- **Mechanisms to secure variations to the Travel Plan following monitoring and reviews.**
- **Mechanisms for managing the Travel Plan and coordinating with other Travel Plans in the development area.**

**The completed development shall be occupied in accordance with the approved Travel Plan which shall be retained in place thereafter unless otherwise amended in accordance with a review agreed in writing by the Local Planning Authority in conjunction with the Highways Agency.**

**Reason : To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic, to satisfy the reasonable requirements of road safety on the A5 trunk road and connecting roads in accordance with section 10 of the Highways Act 1980.**

- 15 Before the development is brought into use, the Travel Plan is to be reviewed by the Local Planning Authority in consultation with the Highways Agency to take on board conditions prevailing at the time and adjustments made to accommodate them.

Reason : To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic, to satisfy the reasonable requirements of road safety on the A5 trunk road and connecting roads in accordance with section 10 of the Highways Act 1980.

- 16 10% of energy demand of the building should be supplied from low or zero carbon sources.

Reason : To meet regional and national targets for reducing climate change emissions  
(Policies, ENG1 & ENG2 E.O.E.P and BE8 S.B.L.P.R)

- 17 Before the first occupation of the buildings hereby approved, details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall thereafter be implemented and retained as such unless amendments are agreed in writing by the Local Planning Authority.

Reason : In the interest of visual amenity  
(Policy BE8, S.B.L.P.R)

- 18 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1038/12/1, 1002 Rev A, 1100 Rev B, 1110 Rev A, 1111 Rev A, 1112 Rev A, 1120, 1121, 1122 &1130.

Reason: For the avoidance of doubt.

## Reasons for Granting

The proposed development would, constitute sustainable development, enable the effective use of land, contribute towards widening employment and educational opportunities and through a section 106 Agreement, enable the improvement of the cycle and pedestrian network and would not be prejudicial to highway safety and would not harmful to residential amenity thereby conforming to the development plan comprising Policies ENV7, SS1, SS3, SS5, E1, E2, T4, T6, T8, T9, ENG1, ENG2 and T14 of the East of England Plan, Policy 25 of the Bedfordshire Structure Plan, BE8, SD1, and T10 of the South Bedfordshire Local Plan Review and national advice contained in the National Planning Policy Framework and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010, the Planning Obligations supplementary planning document and the Brewer's Hill Road Dunstable, Planning and Development Brief, adopted 15 May 2012.

## Notes to Applicant

1. 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).
2. 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.
3. **Model procedures and good practice:**  
The Environment Agency recommends that developers:
  1. Follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination;
  2. Refer to our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;
  3. Refer to our "Verification of Remediation of Land Contamination" report;
  4. Refer to our "Groundwater Protection: policy and practice (GP3)" documents (<http://www.environment-agency.gov.uk/research/library/publications/40741.aspx>) (please note that an updated version was consulted upon in late 2011 and the revised position statements may take precedence over the existing policies when we come to review any reports or proposals);
  5. Refer to our 'Position Statement on the Definition of Waste: Development Industry Code of Practice'; and
  6. Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.
4. **Removal of former fuel tanks**

The Environment Agency recommends that all redundant fuel tanks are removed from site during its development to reduce the level of risk posed to controlled waters from potential contaminants associated with them.

5. **Decommissioning of redundant boreholes**

The Environment Agency recommends that all redundant boreholes on site are appropriately decommissioned to prevent them from creating preferential pathways for contaminants to move through into the underlying principal aquifer. We recommend that you refer to our "Decommissioning Redundant Boreholes and Wells" report.

6. The Environment Agency advises that any reference to controlled waters includes inland freshwaters, coastal waters and relevant territorial waters plus groundwater as may be relevant for the proposed development site.
7. The applicant is advised that 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.
8. 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 Bedfordshire Highways, Streetworks Co-ordination Unit, County Hall, Cauldwell Street, Bedford MK42 9AP.
9. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
10. The building should achieve BREEAM Excellent rating.
11. The building should provide full disabled access from the disabled parking, entrance to the building, lobbies, ambulant disabled access stairs, disabled lift, and w/c.
12. The building should provide full disabled access from the disabled parking, entrance to the building, lobbies, ambulant disabled access stairs, disabled lift, and w/c.

## NOTES

(1) In advance of the consideration of the application the Committee were advised that Dunstable town Council had no objections to the application. The Highways Officer recommending an extra condition