

Item No. 17

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| APPLICATION NUMBER | CB/13/01276/REG3 |
| LOCATION | Dukeminster Estate, (South West Corner) Church Street, Dunstable, LU5 4HU |
| PROPOSAL | Demolition of all existing buildings on the site and redevelopment for the construction of 83 no. Extra Care Flats for Older Persons with communal areas, support facilities and retail unit |
| PARISH | Dunstable |
| WARD | Dunstable Icknield |
| WARD COUNCILLORS | Cllrs McVicar & Young |
| CASE OFFICER | Mr J Spurgeon |
| DATE REGISTERED | 15 April 2013 |
| EXPIRY DATE | 15 July 2013 |
| APPLICANT | Central Bedfordshire Council |
| AGENT | Kyle Smart Associates Limited |
| REASON FOR COMMITTEE TO DETERMINE | Contrary to Development Plan Regulation 3 application |
| RECOMMENDED DECISION | Regulation 3 - Approval |

Proposed Reasons for Granting

Although this site is designated a Main Employment Area in the South Bedfordshire Local Plan (Policy E1) a subsequent appeal found this designation to be out of date and in the emerging Central Bedfordshire Development Strategy, to which, in line with the National Planning Policy Framework, appropriate weight should be given, the site is designated Main Employment Area lost to development. Nevertheless, the proposal includes employment generating uses as well as significant affordable accommodation for the elderly. The building would be iconic and well designed (Policies BE8, 43) and act as an uplifting gateway development to the east of the town centre. Important existing landscaping is retained and the building would also safeguard the character of the adjacent Dunstable Conservation Area. The site is brownfield land which would be remediated to a relevant degree and thus comprise regeneration of a prominent site in Dunstable.

Site Location:

This 0.96 ha. level site comprises the south-west corner of the 6.5ha. Dukeminster Estate, until recently a commercial enclave on a rectangle of land half a mile east of Dunstable town centre with a long history of commercial use. It has a southern frontage to Church Street. The site was until recently occupied by office blocks ranging from 3 to 6 storeys in height but is now mainly cleared to slab level except for a building occupied by Plumb Centre and a car park forecourt accessed from Church Street screened by raised shrub beds and trees (behind temporary hoardings). The Plumb Centre premises is served by a small car park with access to

the east from the estate road which runs centrally down this part of the Estate. The adjacent part of this road is included in the site. The site includes the southern end of a mature tree belt to the west.

To the west of the site is a greensward fronting Church Street (the easternmost extremity of Dunstable Conservation Area) with the terraced houses and gardens of Bernards Close behind (not within the CA). To the north is the largely cleared remains of the main Estate flanked on its western side by the greater part of the mature tree belt. This part is currently occupied as the plant yard for the busway construction project. To the east, beyond the estate road, is the site of a proposed care home which has received planning permission. Finally, to the south is Church Street which has been widened as it approaches the guided busway immediately to the east. Opposite the site, Church Street is overlooked by modern 3-storey flats and 2-storey terraced houses let as accommodation, both having a traditional appearance, and a modern tyre fitting dealership (Kwik-Fit).

It should be noted that application CB/13/01368 for residential development of the adjoining part of the Estate to the north appears elsewhere in the agenda.

The Application:

It is proposed to demolish the remaining building and to build a mixed use scheme based on an 83 unit Extra Care housing provision. The communal areas are enhanced to form a facility which may be of use to a clientèle beyond the residential base. This Council is partnering the development. A small (257 m²) retail store is proposed on the ground floor. Although the adjacent estate road would be reconfigured, these works are not part of this application.

The building would have a striking form based on a 5-storey 'drum' near the junction of the estate road with Church Street, from which radiate 2 wings of decreasing height facing those roads. As well as using modern materials the building would include concealed and open roof gardens and light wells and be topped out partly with a flat sedum roof with photovoltaic panels. Land to the rear would be landscaped as a garden. A car park for 42 vehicles (including disabled and minibus) would be accessed from Church Street, retaining as much of the existing landscaping as possible, and the shop would be served by a 12 space car park from a servicing loop adjacent to the estate road. Cycle parking (32 spaces) would be included in front of the shop but the care facility would have dedicated cycle sheds (32 spaces) in the grounds. Non-public frontages would be fenced in 1.8m close boarding with 0.3m trellis above; the estate road frontage would have 1.2m railings. A substation site is included.

Internally, the 2 wings would provide 5 levels of accommodation (1 and 2-bed each with a balcony) while the drum would variously provide a cafe, community areas, treatment rooms, storage and service facilities. The retail unit would not have internal links with the rest of the ground floor.

Of the Extra Care units, all affordable, 37% would be available for shared ownership tenure, the remaining 63% for social rent.

The following documents have been submitted:

- Design and Access Statement

- Ecological appraisal
- Tree survey, arboricultural implications assessment report and arboricultural method statement
- Lighting level calculations
- Contamination assessment
- Transport review statement.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

- 4 - Promoting sustainable transport
- 6 - Delivering a wide choice of high quality homes
- 7 - Requiring good design
- 10 - Meeting the challenge of climate change, flooding and coastal change
- 11 - Conserving and enhancing the natural environment.

South Bedfordshire Local Plan Review Policies

- BE8 Design Considerations
- E1 Main Employment Areas
- H3 Meeting local housing needs
- H4 Providing affordable housing

Development Strategy for Central Bedfordshire (pre-submission version Jan 2013)

- Policy 1 Presumption in favour of sustainable development
- Policy 7 Employment sites and uses
- Policy 26 Travel Plans
- Policy 27 Car parking
- Policy 28 Transport assessments and travel plans
- Policy 29 Housing provision
- Policy 30 Housing mix
- Policy 31 Supporting an ageing population
- Policy 34 Affordable housing
- Policy 43 High quality development
- Policy 44 Protection from environmental pollution
- Policy 47 Resource efficiency
- Policy 48 Adaptation
- Policy 49 Mitigating flood risk
- Policy 59 Woodlands, trees and hedgerows

Having regard to the NPPF, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in June 2013).

Supplementary Planning Guidance

- Design in Central Bedfordshire
- Central Bedfordshire Local Transport Plan: App.F, Parking Strategy
- Dunstable Town Centre Masterplan

Borough of Dunstable Tree Preservation Order 1958

Planning History

(key decisions, whole Dukeminster Estate)

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| SB/OUT/06/0884 | Appeal permission expired - Residential development for up to a maximum of 458 dwellings (85 dwellings per hectare maximum) with associated parking and open space and up to a maximum of 300m ² of Class A1 floorspace and up to a maximum of 520m ² of Class D1 floorspace. |
| CB/11/02380/FULL [Dukeminster Estate excluding this site] | Resolved to Grant - Demolition of all existing buildings and redevelopment for up to 172 residential dwellings together with 300m ² (gfa) of Class A1 retail space and 513m ² (gfa) of Class D1 accommodation. Section 106 Agreement not signed. |
| CB/11/03053/DEM [including land to north and east] | Demolition consent for removal of buildings. |
| CB/11/04497/OUT | Resolved to Grant - Demolition of all buildings on the site and redevelopment for a mixed use scheme for up to 203 residential dwellings together with a 75 bed care home, 568m ² (gfa) Class A1 retail space, 505m ² (gfa) Class A2 financial and professional services or Class 3 restaurants and cafe space, 555m ² (gfa) Class D1 non residential institutions space, 783m ² (gfa) Class B1 business space together with associated vehicular parking and landscaped areas. Section 106 Agreement not signed. |
| CB/13/00710/FULL [land to east of site] | Permission - New build Class C2 care home facility and upgrade of existing access road. |
| CB/13/01368/OUT [land to north of site] | <u>Being considered at this Meeting</u> - Demolition of all buildings on the site and redevelopment for up to 170 residential dwellings together with improvements to the existing access road, associated vehicular parking and landscaped areas. |

Representations: (Parish & Neighbours)

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| Town Council (1/5/13) | No objection. Members welcome the development. |
| Neighbours | No responses received. |

Consultations/Publicity responses

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| Public Protection Officer - Contaminated land (7/5/13) | Requests condition to control remediation process. |
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| Environmental Health Officer (1/5/13) | No objections to proposed development. Requests condition to protect Extra Care units from Sainsburys and busway noise. A condition should also be imposed in respect of fixed plant on the site. |
| Environment Agency (7/5/13) | Planning permission could be granted if 5 conditions attached, otherwise should be refused. The conditions relate to contamination and protection of the aquifer. |
| Anglian Water (8/5/13) | No AW assets within the site. Dunstable STW has the capacity to receive foul water from the development. The sewerage system has available capacity for these flows. The agreed surface water strategy should be conditioned. |
| Tree and landscape officer (2/5/13) | No objection to removal of diseased horse chestnuts. Concerned at loss of silver birch group and norway maple which confer a high degree of amenity on Church Street. Could be offset if developer agreed with Dunstable Town Council to provide planting 'offsite' on the adjacent green. Furthermore, a quality landscaping scheme should be provided with the emphasis of planting set within the new parking bays along the frontage with Church Street. Advanced nursery stock trees should be used here, with tree guards and grids to protect from vehicle and wheel compaction damage. |
| Ecologist (1/5/13) | No objection to proposals and welcomes proposed wildflower meadow. Disappointed in loss of some trees which appear to be in good condition. Badgers are known to be in the area and precautions should be taken during construction works. |
| Highways Officer (8/5/13) | Recommends conditions including visibility splays, travel plan, wheel cleaning facility, cycle parking, LED lighting, construction worker parking. |
| Highways Agency (30/4/13, 28/5/13) | Directs that a travel plan condition be attached. |
| Waste and recycling (15/5/13) | Is in accordance with previous discussions. |
| Sustainability and Climate Change Officer (2/5/13) | Rather than Code for Sustainable Homes (CfSH), which is not a suitable standard to assess sustainability of the overall scheme, recommends using BREEAM New Construction 2011 which allows for assessment of multi-residential schemes with communal areas. Welcomes commitment to exceed Part L of the Building Regulations and to pursue renewable and low carbon technologies. Provisional comments on these are: |

- Combined Heat and Power (CHP) is the most efficient where there is heat demand throughout the year; biomass is classified as zero carbon but may be less suited in or close to an Air Quality Management Zone [the site is thus located], leaving fuel (which will need storage),
- Photo Voltaics (PV) would deliver savings but would need sufficient south-facing roofs, having regard to the use of roof gardens,
- Ground Source Heat Pumps (GSHP) would be more efficient than Air Source Heat Pumps (ASHP) and do not take up roof space.

Consideration should be given to water efficient dishwashers and washing machines and communal rainwater harvesting or grey water recycling.

The use of green roofs and butts is welcomed but more consideration could be given to rainwater runoff, perhaps in conjunction with the rest of Dukeminster estate.

Affinity Water (24/4/13)

Site located within the Source Protection Zone of Periwinkle Lane and AW has a number of boreholes. Construction works and operation should be done in accordance with relevant BS and Best Management Practices to reduce groundwater pollution risk. If any pollution is found, appropriate monitoring and remediation will need to be undertaken. Refers to CIRIA publication.

Determining Issues

The main considerations of the application are;

1. Planning history and principle of development
2. Site Constraints
3. Design and Access
4. Summary and conditions

Considerations

Human Rights issues

The proposal does not give rise to and known Human Rights issues.

Equality Act 2010

Being an extra care scheme great attention has been given to access for those with mobility issues, both within vehicles and on foot, and for the protection of residents while on the premises. The same attention has been given to the proposed shop. The following text appeared in the report to Executive on 5th February 2013 when the principle of the development was discussed:

Public authorities have a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster

good relations in respect of nine protected characteristics; age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. National and local research indicates that there is a shortage of appropriate and affordable housing for older people. The approval of this proposal will play an important role in helping to improve outcomes for vulnerable older people.

1. Planning history and principle of development

Together with the rest of Dukeminster Estate the site is allocated in the South Bedfordshire Local Plan as a Main Employment Area; relevant Policy E1 is still saved. The site is shown on the Policies Map for the pre-submission Development Strategy for Central Bedfordshire as 'Main employment area (category 1) lost to residential development'. In a pivotal appeal decision on the Estate, the Secretary of State, in allowing an appeal for 458 dwellings (and 300m² retail/520m² Class D1) in 2007 noted that the proposal would provide new and additional housing in a sustainable location including a good quantity of affordable housing, and that there was evidence of sufficient employment land elsewhere. Subsequent applications have been determined which relied on the steer given by the Secretary of State in respect of the employment land and which is still relevant. The most recent (11/04497) covering the whole Estate was resolved to be granted permission by Development Management Committee on 23rd May 2012 but the S106 Agreement remains to be signed. In this application the current site was indicated as the location for a block containing 568m² A1 retail, 505m² A2 and A3 retail, 555m² D1 nursery, 783m² B1 office accommodation and 41 flats.

Dunstable Town Centre Masterplan coverage extends to this site, being part of the Dukeminster Estate. Reference is made to the 11/02380 'planning permission' (see history above) because the 11/04497 submissions was still being considered. The Masterplan states "There is an opportunity to consider the site for comprehensive redevelopment. However, an element of the sites original employment function would need to be retained in some form." It is now generally accepted that employment uses can extend to care facilities and this aspiration can be met in the proposal.

PRESENT POSITION

There has been a recent major shift in the proposed regeneration of this Estate. Quantum Care has made much progress in its interest for the south-east quarter of the Estate and full planning permission was recently issued for a 75-room care home. The adjacent part of the estate road was included in the site and its upgrade was part of the permission. In addition, this Council has been in discussions with the 'owners' of the Estate whereby it would develop an Extra Care scheme (this application) on the south-west quarter, leaving the 'owners' the remainder of the Estate for residential development.

As the previous unsigned S106 Agreements bear witness, a residential scheme would normally involve substantial developer contributions towards infrastructure, under the CBC residential calculator (adopted 2009 - pending the introduction of CIL). Affordable housing would also have to be offered at a rate of typically 30%. At the pre-application stage it was calculated that infrastructure

contributions for the residential phase would total £1.158 million. If the 'owner' was to remain liable to infrastructure contributions and affordable housing for their residential phase they would have to sell the land to CBC at a price which would make the Extra Care scheme unviable.

Recognising the effective contribution which Extra Care can make towards housing targets a S106 Agreement has been drafted whereby the Extra Care scheme would effectively 'comprise' the affordable housing element of the residential development. It would in fact not only provide shared ownership and rented homes for older people but the overall affordable rate would rise to 33%. However, the infrastructure contributions would be considerably reduced to £689,000. The principle of this arrangement was approved by Executive on 5th February 2013:

*"That the proposal to construct an Extra Care Housing scheme at the Dukeminster site in Dunstable be approved; and
2. to delegate authority to the Director of Social Care, Health and Housing, in consultation with the Chief Finance Officer, the Deputy Leader and Executive Member for Corporate Resources and the Executive Member for Social Care, Health and Housing, to take such steps as were necessary to progress the scheme, including site acquisition and the award of a contract to construct the scheme in accordance with the Council's Code of Procurement Governance."*

The report to Executive is attached as an **APPENDIX** and gives further background to the proposal.

This development on its own would not generate an infrastructure requirement under the CBC Calculator and the whole development is affordable accommodation.

The Council's *Delivering your priorities - Our plan for Central Bedfordshire 2012-2016* sets a target in the 'Promote health and well being and protect the vulnerable' priority of 50 extra care flats by 2014. This would exceed that target. The application points out that there are over 90 learning disabled adults in Central Bedfordshire living with parent-carers of pensionable age. Some of the flats could be made available to meet this need.

The 11/04497 application was subject to a comprehensive public consultation exercise and the current application, together with the proposed residential development on the central/north part of the Estate, has been the subject of another consultation exercise held at the Old Palace Lodge Hotel, on 28th March 2013.

EIA DEVELOPMENT

This proposal has been screened under the Town and County Planning (Environmental Impact Assessment) Regulations 2011 and it is concluded that, having regard also to the proposed developments elsewhere on Dukeminster Estate, the proposal does not constitute EIA Development.

2. Site Constraints

ECOLOGY

The submitted report was prepared for the whole Dukeminster Estate and it is apparent that the most sensitive areas lie further to the north of the site. The remaining building is not suitable for bats nor the open habitats for amphibians. The ecologist welcomes the proposed use of wildflower seed mix for open areas and we propose an informative in respect of appropriate measures to protect badgers known to use the Estate.

TREES

The trees on the site are part of the setting of the Conservation Area. Apparently 2 sycamore remain of the 1958 TPO (it is not easy to 'date' these trees), being on the western site frontage; however the accompanying trees in this group, while not encroached upon, are poor specimens and could be replaced. A semi-mature norway maple, while needing some work to stabilise decay, will be severely encroached upon by car park and bin enclosure. Its removal is regrettable but the loss would in part be mitigated both by an ash tree further back in the greensward and shrub planting. The applicant is investigating the possibility of planting a new tree on the adjacent part of the greensward, which is managed by the Town Council. The mature tree belt on the western boundary is not so protected but also remains. Other more recent trees have been assessed. Two horse chestnuts to the east of the frontage are suggested for replacement because of advancing disease, however they are not at risk from the development. It has not been possible to retain some smaller individuals or groups within the site.

3. Design and Access

APPROACH TO DESIGN

Historically, Church Street has been lined with 2 storey buildings but Victorian times saw 3 storey groups near the central crossroads (some later demolished). In recent decades the town centre gained the then status symbol of the tall office block of Quadrant House (now Priory Heights), followed by the less tall office blocks fronting the then Fairview Estate (now Dukeminster). These were very substantial departures from local character although, in the case of Fairview, the landscaped foreground and width of Church Street helped reduce the contrast in scale. Subsequent residential development opposite the site was again limited to 3 storeys although the end of Station Road provides a 4 storey block on elevated land. The Quantum care home scheme presents a 3 storey elevation to Church Street.

This part of east Dunstable is undergoing significant change with the busway bridge and works and widening of Church Street, which is tending to out-scale the frontaging buildings. So that the highway does not dominate the streetscape frontaging buildings can be of a somewhat larger scale. The locality also marks the eastern approach to the historic core with the greensward and Marshe Almshouses immediately west of the site. A gateway building here would mark the edge of the town centre and continue the practice set by the other modern gateway buildings at London Road and High Street North. The added sensitivity of the Conservation Area has been addressed by stepping down the height towards the west.

The resulting design is the product of an iterative process where an interpretation of 'traditional' elevations was consciously rejected. The resulting

building has in our opinion a fresh and well detailed form with considerable interest. The extent of glazing would provide an active frontage, enhanced by the shop. It still retains the previous set back building line so as not to stand forward of a line representing the rear of the greensward, and enables the 3 storey western end to relate appropriately to Bernards Close and the Almshouses. As with the previous office blocks there would be a substantial departure from local character but this character is itself changing with highway works. The proposal would thus prevent this change from being towards mediocrity by providing a quality building and setting a standard. For comparison, application 11/04497 showed a block ranging from 3 to 5 stories on this site in its indicative layout. The proposal would also accord with the Dunstable Masterplan which states that 'the design of new development as you enter the town should help create new gateways or landmarks for Dunstable'. This reflects the Dunstable Town Council corporate plan.

ELEVATIONS AND MATERIALS

An outline of the external form was given under section above entitled 'The application'. Essentially, each of the frontaging blocks comprise 2 abutting 'separate' buildings at a slight angle to each other which are attached to the central 'drum' by a glazed link. The blocks would have a strong modular form with floors and vertical bays emphasised by render and with a larger white rendered bold rectangle superimposed. The bays would have half balconies with sliding screens. End elevations would be in brick and rear elevations would be simplified with greater use of brick. The central 'drum' would present a curved elevation to the street but this regularity would be highly fragmented at the rear. Above the double height ground floor (partly accommodating the shop) with its glazing, the upper 3 floors would be enclosed within a brick/render frame with more use of brick in the bays. A suspended canopy would extend round the curve level with the ground floor ceiling. An equally bold projection at the top of the building would match this.

The rear elevation of the 'drum' reveals that it is essentially hollow at upper levels with a very modernist composition of bold shapes and pedestrian bridges. The double height ground floor would be a form of atrium with a sloping glazed wall ending in a roof garden at the second floor level.

INTERNAL LAYOUT

Whereas all of the units would be provided with 1 bedroom, 49% would have the ability to be converted to provide a second bedroom depending on specific needs of residents. Communal facilities include lounges, dining areas, hobby rooms, treatment rooms, library and health & beauty suites. There would be facilities for visitor sleep-over. The cafe would be open to the public insofar as others from the wider community can visit and enjoy the facilities. Communal spaces could also be closed off for private use to generate income. The wings would be residential while the hub ('drum') would focus the civic and communal. If required, the third floor flats could serve as a dementia unit with its own access to a roof garden.

EXTERNAL AREAS

The private garden area and the more public car parking area would both be lit by a combination of lighting columns and low level lighting bollards. the accompanying lighting scheme demonstrates that there would be no overspill

lighting and that the front of the site can benefit from existing street lighting. It is intended that a Secured by Design application would be made following grant of permission. New tree and shrub planting of native species would improve the ecological value and biodiversity of the site.

WASTE

Appropriate facilities would be provided for storage with access from collection vehicles and, in the case of the shop, part of this would be inside the building.

ACCESS

In view of the intended use full opportunity has been taken to facilitate personal movement around the units, the building and grounds.

HIGHWAY MATTERS

The traffic using the junction with Church Street would be considerably less than the traffic calculated from the previous 'permitted' development on this site. A condition would ensure that the retail unit, which relies on access from the estate road, may not trade unless the estate road is available for access.

PARKING

The 12 spaces provided for the retail unit would be slightly below (by 1 or 2 spaces) the number required by the Parking Standards (after correction and applying discount for good accessibility), however, Policy P4 of the Parking Strategy allows for negotiation taking into account specific factors. It is considered that the reasonable provision on-site, the potential for short-term parking on the Estate Road and the fact that no-one would or could park on Church Street would act as a constraint on parking and custom at peak times.

The 42 spaces (including minibus) for the Extra Care units calculate at about 0.5 space per flat. The new parking standards do not show a standard for Extra Care and the rate is well below the stated standard for sheltered and other retirement homes. However, those rates do not take into account the fact that, typically, the age of residents at 'entry' is usually about 80 years. A below half-provision was also approved for the Extra Care scheme at Millers Dairy Linslade in consideration of the applicant finding a 34% rate in his other schemes, before further reduction because of good accessibility to local amenities. No distinction is made between visitors and staff parking although a travel plan would be required for staff.

Cycle parking for visitors to the shop (32 spaces) and for residents, staff and their visitors would be provided.

SUSTAINABILITY

This is a highly sustainable location for those likely to have limited mobility, with a shop on the ground floor, the town centre facilities less than half a mile away and public transport immediately outside. The building includes a store for mobility scooters and has a dedicated car park including 5 disabled spaces.

The development would meet a minimum level of Code 3 and would re-use previously developed land. Where possible materials incorporated into the construction would be from environmentally sustainable sources and waste materials would be recycled. High levels of thermal insulation would be

employed to exceed Part L of the Building regulations. Subject to investigation a CHP (Combined Heat and Power) Plant could be suitable or PV panels and/or air source heat pumps be installed on the roof. Roof gardens and other roofs can be finished with sedum planting. Water saving measures would be incorporated. The comments of the Sustainability and Climate Change Officer have been forwarded to the applicant but do not need to be the subject of planning conditions.

CONSERVATION AREA

The site is adjacent to the Dunstable Conservation Area, which embraces the greensward. The proposal would safeguard the character of the Conservation Area.

4. Summary and conditions

The proposed Extra Care scheme justifies the significant reductions in infrastructure and affordable housing provision for the residential development, which is subject of a separate report on this Agenda.

The Extra Care scheme is of a bold and imaginative design which we consider will fit well into this location and uplift the entrance to the town centre. It would also provide a form of accommodation and service which is much in demand as the proportion of older people increases in the population, and this would exceed a medium term target which the Council has set itself. By including a form of employment-generating use the proposal also meets the expectations of the Estate set out in the emerging Development Strategy which updates the Local Plan designation which was found to be out of date in the earlier appeal decision.

The proposal meets the requirements of the NPPF by attaching appropriate materiality to the DS. In that it comprises sustainable development offering positive improvements in the quality of the built environment, reuses brownfield land, takes into account future demographic change and identifies different forms of tenure, it satisfies a broad range of aspirations in the NPPF.

The site is included in a previously approved mixed-use scheme and those conditions have been reviewed. In particular, the important trees would be protected, subject to ground remediation, and use of the shop would be delayed until the estate road is upgraded (through a different planning permission). Although the site is sustainably located, with good public transport, further effort would be expected in the use of a staff travel plan. No adverse representations have been received and it is pleasing that the Town Council gives full support.

The proposal would represent the regeneration of a prominent site in the town.

Recommendation

That the Planning Application be APPROVED under Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the following:

RECOMMENDED 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 **No development hereby approved shall commence until a detailed 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 BE8 South Bedfordshire Local Plan Review (S.B.L.P.R); 43 Development Strategy for Central Bedfordshire (DS)).

- 3 **No development shall commence, including ground clearance, until tree protection measures in accordance with the *Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement* (Ref. 2345.AIA.Dunstable.Reit) and drawing 2345.TPP hereby approved have been implemented to the standard required by BS3998 '*Recommendations for Treework*' 2010.**

REASON: To ensure a satisfactory standard of landscaping by retaining important existing trees.
(Policies: BE8 SBLPR; 43 DS).

- 4 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 retain important existing trees.
(Policies: BE8 SBLPR; 43 DS).

- 5 No removal of the low brick wall on the north-eastern side of the tree belt adjacent to western boundary of the site shall take place until details of the proposed treatment of the adjacent land have been submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard trees screening the site.
(Policies: BE8 SBLPR; 43 DS).

6 **No development hereby approved shall begin until the following have been submitted to and approved in writing by the Local Planning Authority:**

- (a) a Phase 3 Remediation Method Statement containing a detailed scheme, including site plans, for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment, as recommended by the previously submitted Curtins Consulting Phase 2 Site Investigation Report of July 2011.**
- (b) a Phase 4 Validation Report demonstrating the effectiveness of the Phase 3 scheme (to incorporate photographs, material transport tickets and excavation-wall chemical validation sampling), unless an alternative period is approved in writing by that Authority. Any such validation should include responses to any unexpected contamination discovered during works.**

Any works which form part of the Phase 3 scheme approved by the Local Planning Authority shall be completed in full before any part of the proposed building is occupied. 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: 43, 44 DS).

7 **No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has each be submitted to and approved, in writing, by the Local Planning 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 results of the site investigation and detailed risk assessment referred to in (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 the remediation strategy 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 written consent of the Local Planning Authority. The scheme shall be implemented as approved.

REASON: To protect and prevent the pollution of controlled waters (particularly the underlying Principal aquifer) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121). (Environment Agency condition)
(Policy: 44 DS).

- 8 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of 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. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: as Reason 7. (Environment Agency condition)
(Policy: 44 DS).

- 9 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: as Reason 7. (Environment Agency condition)
(Policy: 44 DS).

- 10 No infiltration of surface water drainage into the ground at the site 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 approved details.

REASON: as Reason 7. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins. (Environment Agency condition).
(Policy: 44 DS).

- 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 groundwater. The development shall be carried out in accordance with the approved details.

REASON: as Reason 7. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. (Environment Agency condition)
(Policy: 44 DS).

- 12 **No development shall commence until a surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.**

REASON: To ensure satisfactory sustainable drainage for the site.
(Policy: 44 DS).

- 13 **No development shall commence until samples of proposed facing materials, surfacing materials, and railings have been 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 ensure a quality development in the context of its situation.
(Policies: BE8 SBLPR; 43 DS).

- 14 **Development shall not commence until a detailed waste audit addressing issues in respect of waste generated by the site clearance, construction 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:**

- (a) the anticipated nature and volumes of waste that the development will generate,**
 - (b) measures to maximise the re-use of on-site waste arising from demolition, engineering and landscaping,**
 - (c) 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 and recovery and recycling facilities,**
 - (d) any other steps to be taken to minimise the generation of waste throughout any required demolition and during the construction of the development,**
 - (e) provision within the proposed development to encourage the occupier to manage waste effectively and sustainably,**
 - (f) provision for monitoring the implementation of steps (a) to (e) above, and**
- a timetable for implementing the above steps.**

REASON: To ensure that waste is managed sustainably during the lifetime of the development in accordance with the objectives of saved policies W5 and W6 of the Bedfordshire and Luton Waste Local Plan 2005.

- 15 To protect against intrusive externally generated noise, sound insulation and absorbent materials shall be applied to all dwellings as is necessary to achieve as a minimum standard an internal noise level of 30dB_LA_{eq}, 23:00-07:00 and 45dB_LA_{max}, 23:00-07:00 for bedrooms and 35dB_LA_{eq}, 07:00-23:00 for habitable rooms. External noise levels from road traffic noise sources shall not exceed 55dB_LA_{eq}, 1hr in outdoor amenity areas. The effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results submitted to and approved in writing by the Local Planning Authority before any permitted dwelling unit 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 (other than for road traffic noise). Such windows shall be fixed closed and be non-openable with alternative means of ventilation provided for the rooms affected.

REASON: To protect occupants from externally generated noise.
(Policies: BE8 SBLPR; 44 DS).

- 16 Fixed plant associated with the proposed development must be designed to a level which is at least 5dB(A) below the existing L_{A90} background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise should 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 1 metre from the closest affected window of the relevant noise sensitive dwelling unit.

REASON: To prevent nuisance from noise and to safeguard the amenities of the area.
(Policies: BE8 SBLPR; 44 DS).

- 17 Equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by non-domestic cooking and food preparation and the equipment shall be effectively operated for so long as the non-domestic food use continues. Full details of the method of odour abatement and all odour abatement equipment to be used, including predicted noise levels of the equipment in operation, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the equipment. The approved equipment shall be installed and in full working order to the satisfaction of that authority prior to the non-domestic food cooking and preparation use hereby permitted commencing.

REASON: To safeguard sensitive receptors from unacceptable levels of odour pollution.
(Policies: BE8 SBLPR; 44 DS).

- 18 Before an access onto the estate road or Church Street is first brought into use, a triangular vision splay shall be provided on each side of the access and shall be 2.8m measured along the back edge of the highway from the

centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the footway into the site along the centre line of the anticipated vehicle path. The vision splay so described and on land under the applicant's control 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 highways and the proposed accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

(Policy: 43 DS).

- 19 Before an access onto the estate road or Church Street is first brought into use, a triangular visibility splay shall be provided on each side of the access and shall be 2.4m measured along the centre line of the access from its junction with the channel to the through road and 25m measured from the centre line of the access 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.

(Policy: 43 DS).

- 20 No part of the development hereby approved shall be brought into use until a staff Travel Plan has been approved in writing by the Local Planning Authority. The Travel Plan shall be in line with prevailing policy and best practice and shall include as a minimum:

- The identification of targets for trip reduction and modal shift
- The methods to be employed to meet these targets
- The mechanisms for monitoring and review
- The mechanisms for reporting
- Details of mitigation measures to be applied should targets not be met
- Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel Plan following monitoring and reviews.

No part of the development shall be occupied except in accordance with the provisions and timetabling of the Travel Plan.

REASON: To ensure the A5 trunk road will continue to be an effective part of the strategic Road Network in accordance with Circular 02/07 *Planning and the Strategic Road Network*. (Highways Agency direction).

(Policy: 26 DS).

- 21 The maximum gradient of all vehicular accesses onto the estate road or Church Street shall be 10% (1 in 10).

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

(Policy: NPPF par. 32).

- 22 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.
(Policy: 43 DS).

- 23 The proposed retail unit shall not be brought into use unless and until full servicing and customer vehicular access can be obtained along that length of the estate road between Church Street and the delivery and retail parking provision hereby approved.

REASON: To ensure adequate off-street parking and servicing facilities for the retail unit in the interest of road safety.
(Policy: 43 DS).

- 24 **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.
(Policies: BE8 SBLPR, 43 DS).

- 25 **No development shall commence until details of the parking of cycles on the site, including stands and structures have been 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.
(Policy: 24 DS).

- 26 **No development shall 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.
(Policy: NPPF par. 32).

- 27 This permission relates only to the details shown on drawings 12050wd2.001, 002, 011 – 017, 019 – 021, 023 – 026 received 15/4/13; 2345.TPP, 2345.AIA received 15/4/13; 78310R1 received 15/4/13; 12050wd2.022A received 30/4/13; 12050wd2.010 rev.B received 10/5/13.

REASON:To identify the approved plans and to avoid doubt.

Notes to Applicant

1. 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.

2. With respect to the construction phase reference should 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. 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.

3. The applicant is advised that if it is the intention to request the Central Bedfordshire Council as Local Highway Authority, to adopt the proposed highway as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highway together with all the necessary highway and drainage arrangements, including runoff calculations shall be submitted to the development Planning and Control Group, Central Bedfordshire Council's Highway Help Desk, PO 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.
4. Precautions should be taken to cover open excavations at night as badgers are known to be active in the area.
5. The site is located within the groundwater Source Protection Zone of Periwinkle Lane Pumping Station, a public water supply operated by Affinity Water Ltd.. Construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. (Affinity Water advice - 01707 268111).
6. Contact should be made with Andrew McWha, Central Bedfordshire Council (0300 300 8000) prior to completion of the development in order to organise provision of waste bins.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

It is recommended that planning permission be granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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